SOME MEMORIALS

OF

JOHN HAMPDEN,

HIS PARTY, AND HIS TIMES.

BY

LORD NUGENT.

TWO VOLUMES.

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PREFACE.

In the arrangement of these Memorials of the principal passages in the life of John Hampden, many difficulties presented themselves, to some of which, as being of mere personal consideration to myself, it is unnecessary to advert. But, besides these, there has been a continually recurring sense of the scantiness of the materials which offered themselves for his early and private history. The undertaking would, I felt, be but idle and presumptuous, unless justified by a consciousness of being able to contribute some material addition to what is generally known of his life and character.

Of his correspondence and conversation less has been preserved than perhaps of any other so remarkable person, living

in times so near to our own. Of the papers at Hampden House, to which through the kindness of its present noble proprietor I have had access, there are none of any interest relating to John Hampden. The danger which, about the time of the restoration of the crown, might have accrued to his own family, and probably to many others also, if the correspondence of a chief leader in the transactions which immediately preceded the civil war had been preserved, may abundantly account for the absence of all such matter where we might otherwise the most naturally expect to find it.

Concerning his publick life, comprised as it is within the space of a very few years, and rendered famous by a few great acts which are in the knowledge of all men, little can now be given which is not attainable by reference to the most ordinary sources of information. Of the motives of his bold and steady opposition to the arbitrary proceedings of two successive sovereigns, (which were powerful enough, in the

end, to make him take up arms for the privileges of parliament and the people,) the judgments of men will probably remain divided, so long as there shall subsist any traces of that conflict of principles which has, ever since, with more or less violence, but almost without intermission, opposed the two great parties of this country to each other. But to form, according to the best evidence within our reach, our conclusions as to the sincerity of his objects, their tendency, and extent,—as to the exigencies which may have justified and the wisdom and moderation with which he pursued them,—is what surely may be undertaken, if not with a mind altogether uninfluenced by preconceived impressions, at least in a spirit not to be betrayed by them into injustice. Nor is it an occupation uninteresting to such as have any desire to deal truly with the memory of a person who acted a great part in one of the greatest events that ever befel England.

Among the feelings at different times inclining me to abandon my purpose was

what naturally occurred to me on a careful perusal of the two great historical works of Mr. Brodie and Mr. Hallam. But although, after the deep and diligent scrutiny which those writers had made, embracing within the range of their enquiry all the principal publick transactions in which Hampden bore a part, I had motives sufficient to make me pause at entering on any portion, however limited, of a ground already so powerfully occupied, there were, nevertheless, other considerations which determined me to proceed, with very little alteration, upon the plan I had at first laid down for myself.

Much valuable assistance, on the other hand, was to be derived from these histories, as also from that most able work of M. Guizot,* in the arrangement of whatever fresh materials accident had supplied to me within the very narrow bounds of what I had undertaken.

The bare outline of the parliamentary life of John Hampden, wherever it has

* 'Histoire de la Révolution de l'Angleterre depuis l'Avénement 'de Charles I^r. jusqu'à la Restauration de Charles II^d.'

hitherto been attempted in a separate form, has been given with remarkable inaccuracy. Of this a sufficient instance is that, in the articles respecting him in the 'Biographia Britannica,' and in Mr. Chalmers's 'Biographical Dictionary,' and in all the other notices of his life which I have met with, he is described as having first entered the House of Commons in the second parliament of Charles the First; whereas it will be seen that he took his seat in the foregoing reign, and six years before the time at which these writers date his first election; that he had sat in every parliament which was called during that space; and that, although not then filling the station of leader of a party, nor having risen to eminence as a speaker, he was yet of sufficient estimation to be three times appointed to conduct conferences for the Lower House.

The first, and, though scanty, some of the most useful, materials of which I have availed myself, I owe to the friendship and confidence of the late Mr. Meadley. The course of reading into which he had fallen

while preparing his published Life of Algernon Sidney, had directed his enquiries further back to the origin of those great struggles between privilege and prerogative which render the first half of the seventeenth century, in many respects, the most important portion of the history of our country. After the completion of those memoirs, he had designed to illustrate, with the matter he had collected, the history of some one of the earlier champions of popular rights in England; and he turned his attention to that of Hampden.

With an ardent and steady love of liberty Mr. Meadley joined great industry, perseverance, and accuracy; but, at his death, the documentary part of his undertaking was left with little more than its first foundations laid. That part which related to the execution of the ordinance for raising the militia in Buckinghamshire, and to the first two campaigns of the civil war in the midland counties, he had sent to me, that I might verify, or correct, the local details, and furnish him with any other such matter as is generally

most within the reach of a person residing in the district itself. I was, besides, aware of some collections of private papers, (a very large one in the possession of my own family,) the entire access to which seemed to me to be of the first importance to Mr. Meadley's object.

Of these, Sir Peter Temple's papers, concerning the levy of the ship-money, which are preserved at Stowe, and the extensive correspondence, likewise in that collection, of Mr. Richard Grenvil of Wotton Underwood, (who, at a later period, was high sheriff of the county, and a commissioner for raising the militia, and some time governor of the town of Aylesbury for the parliament,) were evidence proper to be consulted by any person undertaking the work which Mr. Meadley contemplated.

After Mr. Meadley's death, the friendly feeling of his family, and of the Reverend Mr. Tate of Yorkshire, his executor, gave me possession of whatever other matter he had collected, with leave to use it as I might think proper.

I am also under obligations to the Reverend Dr. D'Oyley, and to Mr. Ellis, for the assistances they have given me in consulting the manuscript letters, and published tracts, in the libraries of Lambeth Palace and the British Museum; and to Mr. W. Staunton of Warwickshire, and to Lord Carteret and Lord Eliot, for their liberal permission to transcribe and make use of such documents as were interesting to me, among the valuable collection of Civil War Tracts in the possession of the former, and among the MS. Family Papers in the hands of the two latter. To Lord Eliot I am further indebted for leave to engrave the portrait, now at Port Eliot, the only original, as I believe, in existence, of Hampden, which was given by Richard Hampden, his son, to the son of Sir John Eliot, his friend. My acknowledgements are, in the same manner, due to Lord Saye and Sele and Mr. Fiennes, for the leave to engrave the picture of their ancestor, Nathaniel Fiennes, at Broughton Castle. To my friend Mr. Greenhill Russell, of Chequers Court, I am sure that no ex-

pression of thanks from me is necessary for the illustrations with which he has furnished me, or for the use of his curious and valuable library; which, however, it gives me pleasure to acknowledge among the many tokens I have received of his kindness and regard. These materials, with some other collections of tracts, diurnals, and letters, to which, from time to time, accident, and the liberality of their proprietors, have given me reference, the journals of parliament, the sessional papers, and the contemporary histories, afford the groundwork of these memorials.*

What at length determined me to resume my first intention, and lay these memorials before the publick, is shortly told. If the interest which I took in the pursuit, and which daily encreased upon me, had

* Among the materials for English history which have hitherto been but imperfectly examined, and which require the most careful arrangement, are the early Sessional Papers of the House of Commons. If properly classified, they would form a most valuable body of historical evidence, containing much interesting correspondence, and other matter, which has never yet been published; much, doubtless, that is not known to be in existence. These papers are now in a state which makes all casual reference to them very laborious. The journals alone are not in all cases to be trusted. Of this there is one very remarkable instance, which I

not alone made me reluctant to abandon altogether, I should still have had a powerful incitement to proceed, derived from the perusal of certain lately published imputations upon the motives and character of Hampden; some of them from no mean or inconsiderable assailants. These, I felt, after the search into which I had been led, imposed upon me, in some sort, the duty

do not remember to have seen observed upon. In the Commons' Journals, April 16, 1641, there is this startling entry:

'3^tia^ vice lecta } An Act for the Attainder of Tho. Earl of Straf-
est Billa . } ford, of High Treason.

And, upon the Question for the Passing,

The House was divided,

Lord Digby } Tellers for the *Yea;*
Mr. Lloyd }

Sir Gilb. Gerard } Tellers for the *Noe:*
Sir Tho. Barrington }

With the Noe 59
With the Yea 204

Upon Report whereof, the Bill passed.'

This was the famous division of the Straffordians, and it was on the same day that Lord Digby made his famous speech *against* the Bill. His name was also published in the list of the fifty-nine Straffordians.

This is not an error in the printing of the Journals only, but in the MS., which may be seen in the Journal Office. And it is the more remarkable inasmuch as this entry in the Journals was made by Rushworth himself, who, in his Historical Collection, says, 'Upon the Question for the passing thereof the house was divided, '59 for the Noes, 204 for the Yeas, *the Lord Digby being appointed* 'one of the tellers for the Noes.'

of bearing testimony to the truth concerning transactions in which, as I have had occasion to ascertain, his memory has been carelessly and unwarrantably impugned.

This I now do; not certainly with any desire of taking a part in a large and difficult constitutional controversy, into which he who enters must have great reliance on his own learning, skill, and authority, before he can, in these times, be inclined to follow the example of so many modern writers, who, with more or less knowledge of their subject, have undertaken to dogmatize upon it. It involves many mixed questions of right and policy, and many nicely-balanced considerations of justification and censure,—all very deeply important to one who would form his own judgment with accuracy, or lead that of others with fairness. Such a one will probably find, on each side in that great conflict, some acts done which were questionable in themselves, and which provoked a similar course on the adverse part,—acts, many of which, particularly in the early part of the dispute, will appear

to have stood in the relation, mutually and alternately, of cause and inevitable effect to each other; and he will perhaps end by feeling in his own heart how it is that, even in these latter times, so many passions continue to be inflamed, and so many judgments misled, in a view of transactions which have long ceased, and as we may trust for ever, to have any practical influence on English affairs. I enter upon the statement of such facts as come within the range of the matter I have to deal with, well aware that, as in the more violent disputes of individuals, so in those of parties in the state, though the main blame may be justly charged on one, it is rarely to be hoped that, throughout every particular, the conduct of either shall, on strict review, present one clear undeviating example of discretion, temper, or justice. But I hold myself warranted in professing that, after the closest enquiry I could make into acts and probable motives, I find those of Hampden unstained by any trace of meanness, uninfluenced by any ambitious or vindictive

impulse, and his course, throughout, calm, lofty, and undeviating, among the indirect practices of many who surrounded him, and the violent counsels of many more, though himself under the greatest and most varied provocations of any. Those passages of his life which may be considered as the more disputable ground I give with the references on which I rest the conclusions I draw,—as seldom as possible turning aside from such parts of my narrative to particularize the misstatements to which they are opposed.

The biography of those whose actions are famous in history is, for the most part, difficult rather in the arrangement than in the collection of materials. This is so in no ordinary degree with the life of Hampden. The progress of nations in importance and prosperity, and in the settlement of their civil polity, having, generally, been very gradual, the fame of their publick men has usually been founded on the part that each has successively contributed to the slow improvement of his country in the means of happiness and glory.

Some men, it is true, have given freedom to a state, as if by an original impulse, and in the furtherance of some sudden project conceived by themselves, or in their own times.—Not so Hampden. The seeds of publick liberty had for many generations been deeply sown in England, and had long been preparing for the crisis at which they were brought into life by his genius, courage, and virtue. The origin of the great events of his day must be sought for in much earlier times, and their advance traced through many successive generations of men. His history occupies but a small space of time in that of his country. His fame is founded upon the acts of the last six years of his life; for, though he reached the age of forty-nine, of his earlier years little of any prominent interest can be collected. It was the life of a country gentleman, considerable on account of his property, and of a general reputation for activity and talents applied to the local affairs of his own county. In the course of these years, so employed,

few events were likely to have occurred of sufficient importance, or to have been handed down to us in a shape authentick enough, to deserve much attention. Almost the only one, of which I am aware, that possesses any claims on particular notice, is the successful effort, of which he seems to have been the principal instigator, for obtaining for the inhabitant householders of the boroughs of Wendover, Amersham, and Marlow, a renewal of their suspended privilege to return members to Parliament.

The course of this measure is worthy of observation, as it's success was important. The manner, too, in which he brought it about is strongly indicative of that shrewd and patient discretion, working by well-arranged system and agency, which is a quality attributed in so eminent a degree to Hampden by all writers, but in terms of praise or censure, as their several passions and partialities influenced them in their view of the ends which he pursued. This is described by Lord Clarendon as a peculiar faculty in Hampden, which, assisted

occasional detail of actions in which he did not take any part, but which led to those in which he did; and which thus combine his history with that of the party which he joined, and which he ended in leading. For this reason I have entitled these Memorials of him Memorials of his Party also, and of the Times in which he lived.

I have endeavoured, here and there, to illustrate facts well known in history by private letters and other hitherto unpublished documents, giving these sometimes as evidence merely of the style, and sometimes of the characters, of remarkable persons, but which, as such, may not be unacceptable.

I have also endeavoured to avoid all such comment as did not appear to me necessary to the narrative, in order the better to guard myself against the temptations of a partiality arising out of that deep veneration for the memory of Hampden which I so truly feel to have grown upon enquiry.

SOME

MEMORIALS OF JOHN HAMPDEN,

HIS PARTY AND HIS TIMES.

THE family of Hampden is one of the few which may be traced in an unbroken line from the Saxon times*. It received from Edward the Confessor the grant of the estate and residence in Buckinghamshire from which the name is derived, and which in Doomsday Book are entered as in the possession of Baldwyn de Hampden. Escaping from the rapacity of the Norman princes, and strengthened by rich and powerful alliances, it was continued in direct male succession, increasing in influence and wealth. Mr. Noble and Mr. Lysons state that a local tradition, supported by some quaint, popular verses, represents one of the Hampdens as having forfeited to the Crown the three valuable manors of

* Pedigree in Hampden House.

Tring, Wing, and Ivinghoe, for a blow given to the Black Prince in a dispute at tennis.

> 'Tring, Wing, and Ivinghoe
> From the Hampdens did go
> For striking the Black Prince a blow.'

But Mr. Lysons very properly throws a doubt over this whole story, believing it to have originated in little more than the temptation of the rhymes. I can nowhere find any ground for believing that any one of these manors belonged to the Hampdens. Their property, however, was very large. They were not only rich and flourishing in their own county, but enjoyed considerable possessions in Essex, Berkshire, and Oxfordshire. In Buckinghamshire, they were lords of Great and Little Hampden, Stoke-Mandeville, Kimble, Prestwood, Dunton, Hoggestone, and Hartwell, and had lands in many other parishes. They appear to have been distinguished in chivalry; they were often entrusted with civil authority, and represented their native county in several parliaments. We find, in the Rolls of Parliament, that some lands were escheated from the family, on account of their adherence to the party of Henry VI., and that they were excepted from the general act of restitution,

in the 1st Edward IV. Edmund Hampden* was one of the Esquires of the Body, and Privy Counsellor, to Henry VII. And, in the succeeding reign, we find 'Sir John Hampden of the Hill'† appointed, with others, to attend upon the English Queen at the interview of the sovereigns in the Champ du Drap d'Or. It is to his daughter, Sybel Hampden, who was nurse to the Prince of Wales, afterwards Edward VI., and ancestress to William Penn, of Pennsylvania, that the monument is raised in Hampton Church, Middlesex, which records so many virtues and so much wisdom. During the reign of Elizabeth, Griffith Hampden, having served as High Sheriff of the county of Buckingham, represented it in the Parliament of 1585. By him the Queen was received with great magnificence at his mansion at Hampden, which he had in part rebuilt and much enlarged. An extensive avenue was cut for her passage through the woods to the house; and a part of that opening is still to be seen on the brow of the Chilterns from many miles round, and retains the name of 'The

* Wood, Fasti Oxon. † Du Carel, Ang. Norm. Antiquities.

Queen's Gap,' in commemoration of that visit. His eldest son, William, who succeeded him in 1591, was member, in 1593, for East Looe, then a considerable borough. He married Elizabeth, second daughter of Sir Henry Cromwell*, of Hinchinbrooke, in Huntingdonshire, and aunt to the Protector, and died in 1597, leaving two sons, John and Richard, the latter of whom, in after times, resided at Emmington, in Oxfordshire.

John Hampden was born in 1594†, and, as the general concurrence of writers has determined, in London. Divers stories, however, there are, which fix his birthplace elsewhere. By some he is reported to have been born at a manor-house, long in the possession of his family, at Hoggestone, in the hundred of Cottesloe, in Buckinghamshire. But registers, at that time very imperfectly kept, give no information on this point, and leave us to determine between the vagueness of tradition, and the doubtful testimony of modern memoirs, which do not state their authority, and the first of which probably was used as authority by all the rest.

* Pedigree at Hampden House.
† Wood's Ath. Oxon., Bliss. Do. Life.

Succeeding to his father's estate in his infancy, Hampden remained for some years under the care of Richard Bouchier, master of the free-grammar-school at Thame, in Oxfordshire*. In 1609, he was entered as commoner at Magdalen College, Oxford†, where it may be supposed that his attainments gained him some reputation; for he was chosen, with a few others, among whom was Laud, then master of St. John's, to write the Oxford gratulations on the marriage of the Elector Palatine with the Princess Elizabeth‡. As a student of the Inner Temple, to which he was admitted 1613§, he made considerable progress in the study of the common law. He was married in the church of Pyrton, in Oxfordshire‖, 1619, to Elizabeth, only daughter of Edmund

* Anthony Wood. † Lib. Matric. Oxon. 108.

‡ These verses, published at Oxford, 1613, in a volume entitled 'Lusus Palatini,' contain little worth remark, unless it be the last three lines:—

'Ut surgat inde proles,
Cui nulla terra, nulla
Gens, sit parem datura.'—

Remarkable when it is remembered that from this marriage Rupert was born who led the troops at Chalgrove, by whom Hampden was slain; but also that from it sprang the succession to which stands limited the guardianship of the free monarchy of England.

§ Books of the Inner Temple.

‖ Register of Pyrton, June 24, 1619. He died on the anniversary of that day.

Symeon, Esq., lord of that manor and estate. To this lady he was tenderly attached, and in several parts of his correspondence, he pays tribute to her virtues, talents, and affection. For some years, he seemed to addict himself mainly to the pursuits and enjoyments of a country life; and, from great natural cheerfulness, joined with qualities of mind and address which recommended him generally to society, he was induced, according to his own confession*, to enter freely into the amusements and dissipations of his age. By disposition, however, active, accurate, and laborious†, even from the earliest days of his manhood be allowed himself these indulgences as exercises only of recreation and relief, during the intervals of those literary habits to which his taste always powerfully inclined him‡.

At the period of life when the attention of a reflecting person usually begins to direct itself to the public affairs of his country, Hampden found those of England in a new and interesting posture, to which, and to the causes which produced it, it is fit for a while that our attention should be turned. A

* Clarendon's Hist. Reb. † Sir Philip Warwick. Perfect Diurnall, July 1, 1643. ‡ Yearly Chron. 1761, 8vo., 127, 189.

remarkable era had already commenced in her moral and political history, some particulars of which demand our notice as leading to that great crisis in which he and the party with whom he acted were afterwards seen bearing so distinguished a part. Some of these causes had been long and steadily, though not uninterruptedly, in progress, and require, in order to be understood, to be traced back through more than a century before their appearance in the shape of open disputes between royal prerogative and popular privilege. The power of the crown, raised and strengthened in proportion to the depression of that of the nobles, had been increased by the jealousies of the first Tudor sovereign, by the violences of the three next, and by the glories of the last, to an amount beyond what the temper of the times was disposed long to endure. The great civil war of the two Roses, which had begun with separating the aristocracy into factions, had, in the havoc of its course, nearly extinguished the oldest and greatest names, and rendered their houses powerless. A counterpoise to the accession of influence which thus accrued to the sovereign was no-

where to be found but in the improving genius of the people. The rising importance of the commonalty, and their own consciousness of it, may be traced to a variety of events, all tending one way, and some of them with great force and rapidity. Among these undoubtedly were the new impulse which maritime discovery had begun to give to our commerce, which had been formerly very much limited to the trade with Italy and the Hanse towns; the increased demand for manufactures which that extended commerce had begun to create; and the consequent increase of mercantile wealth, and the gradual investment of it in the purchase of the sequestered estates. Add to this that the revival of letters had produced, in an almost equal degree, a spirit of free inquiry in the minds of the people. The origin and ends of civil government had been boldly treated of; particularly, and with the greatest freedom, by Poynet, Bishop of Winchester, in his 'Politick Power,' a treatise which alone would have entitled him to a high station among the early patrons of what are called the popular doctrines. The reformation of the National

Church, though, in casting off the spiritual bonds of Rome, it pointed to religious liberty, very little advanced the establishment of it in England. Still the principles on which that reformation recommended itself to men's minds gave a habit of bold speculation, probably beyond what its first doctors intended or foresaw, and which their successors soon found it impossible to extinguish, and difficult to controul. The advance of public information, and of the spirit of liberty, and the decay of the feudal principle, have, by some writers, been attributed to the increasing number of large towns. But, besides the error of ascribing to one favourite cause a great event, which, like most other great events, arises out of the concurrence of many, the rapid increase of large towns must surely be rather classed among the effects than the causes of this spirit. It is unquestionably so in all the most remarkable examples, from the most antient to the later instances of the republican towns of Italy and the Netherlands. In truth, the habit of associating in cities cannot be considered as a primary cause of the spirit of liberty, although,

doubtless, tending to strengthen and diffuse that love of a government of known laws, which is so obviously one of the first moral advantages of a state of civil freedom, and in so especial a degree to men assembled to enrich themselves in such situations as are the most exempt from all feudal controul.

Meantime, the rapidly prevailing influence of letters over the actions of men and the affairs of states forbade that the advances of liberty should keep a tranquil and even pace. Wit and learning, which had begun to flourish high under the sway of Elizabeth, (so liberal in its character when compared with the factious violence of Edward's reign, or the dark intolerance of Mary's,) did not always array themselves on the side of that fostering principle under which they had found protection. The court of her successor had its writers and its preachers, and powerful ones too, for the doctrines of divine right and unconditional obedience; but indirectly and unconsciously they helped to prepare the publick mind for the overthrow of the very principle which they laboured to uphold.

Even the vanity which led King James to range himself among the metaphysical dogmatists with whom that age abounded, engaged him, and encouraged others, in a taste for speculative inquiry, which always, in the end, works for liberty *. At the same time that these elements were thus forming and disposing themselves, the successful struggles of the reformers in Scotland, the gallant triumph of the Low Countries over their Spanish tyrants, and the desperate efforts of the Huguenots in France, which subsided but for a time in the union of parties under

* The poets of Elizabeth's time, (and poets understand better than philosophers how to make their addresses acceptable to sovereigns,) even the poets and 'writers of the presence,' would speak of the throne rather as founded on the people's love than on any other title. Fulke Greville, though one of the most adroit of courtiers and of ministers, 'servant of Queen Elizabeth and counsellor to King James,' and receiving Warwick Castle as a royal grant from a monarch who, unlike his predecessor, objected not to be complimented on his divine right, yet put forth some strong opinions as to the origin and duties of kingship in his poems of 'Monarchy and Religion,' in which there are several passages written in a spirit of this sort:—

'Princes again, o'errack not your creation,
Lest power return to that whence it began;
But keep up sceptres by that reputation
Which raiseth one to rule this world of man.'

'*The Beginning of Monarchy.* Lord Brooke's *Works.*

the healing government of Henry IV., had combined to raise new and more practical views among a people, like the English, always fond of a reputation for liberty, and now contemplating the principle in its progress abroad.

Thus was a great moral revolution at work, checked and delayed for a time by the power, the address, and the popularity of Queen Elizabeth, but still tending forwards, when the sceptre of this mighty princess passed into the hands of her kinsman. Such a spirit it required a sovereign of more than ordinary qualities so to direct, as that the reform should advance by steady and controulable degrees, and in such a manner as might carry with it the appearance rather of a wise agreement between prerogative and liberty, than of a forcible abridgment of the one, and a contested triumph of the other. In the later reigns, all the recorded precedents had leaned towards the claims of prerogative; but all the feelings of the people strengthened those of liberty. The feudal dues and tenures, although not abolished by statute till near a century afterwards, had, one by one, faded

away, and with them had ceased all the protection which, during times when law was weak and civil rights imperfectly understood, the feudal power had afforded to the people. The feudal lords had, in their jealousy, established certain securities for themselves, and had maintained them by their power. These became incidentally a protection to other classes also. Upon the decay of this power, therefore, it was necessary that some new barrier should be raised against the crown, or additional strength and effect given to some old one. By the common law of Parliaments, by Magna Charta, by the Forest Charter, the Statute de Tallagio, and the Statute of Provisors, severally, the monarchy of England had been declared to be a limited one; and so long as the military force of the country remained in the hands of the nobles, it did not concern them to look further than to military force for means whereby the limitations might be preserved. But that power had lately been withdrawn from them by the policy of Henry VII., who had provided for the maintenance of peace and the succession by rigorous edicts, limiting suit and service.

The army, such as it was, had become now, for the first time, the king's army*; for personal service had been commuted for rent, and those who had once been vassals had now become tenants. A little later, in France, and under the able government of Ximenes in Spain, the influence of the nobles had been in like manner weakened. Then the commercial spirit arose and extended rapidly, and the luxuries which it introduced gradually increased the expenses and wants of the great families which had outlasted the wars; but it was imperfectly and ill directed. Wealth changed hands, and among the labouring classes, (as is often the case upon the sudden introduction of any new system for applying capital,) there was a grievous want of the means of subsistence. Publick begging, and the unappeasable tumults of starving men, ensued. It is true that, in the cities and sea-ports, the third estate was becoming enlightened and rich; but it had not yet power. All saw the means of power increasing in their hands, but few saw the manner

* Andrew Fletcher's Discourse concerning Militias.

of giving them direction or effect. The popular influences could be permanently secured, and usefully administered, only by a parliament more freely representing and more intimately connected with a people, particularly the citizens, who were so manifestly increasing their share in the general stock of wealth and intelligence. The controul over the revenue had been repeatedly contested, and finally acknowledged as an undoubted privilege of parliament; but, under different names, the means of supply were still left by usage in the sovereign's hands, and the sovereign had never been reduced to the necessity of making terms on this matter with his people. Mr. Hume, however inconclusive the argument which he founds upon it, is surely right in this position—that, of the two great contending principles of these times, it was the popular spirit which first encroached upon the prerogative, and not the prerogative on liberty. It is clear that, in exact proportion to the improvement in the intelligence, and consequently in the manners of a people, their influence in government will, and ought to increase. A wise prince would have per-

ceived that this tendency was not to be rudely thwarted, and would have bent his policy to meet with grace the growing genius and demands of the times. Not so King James. His understanding, though shrewd, busy, and cautious, was yet by nature capable of little more than the narrowest artifices of dissimulation and intrigue. The vices of his heart have been too mildly dealt with in general history; nor has there been wanting of late a class of writers who appear strangely to consider it good service to monarchy, and to the memory of the Stuarts, to endeavour, by perverting all documentary testimony, and all moral reasoning, to do the work of apology for him who did more to bring that institution to hazard, and that family to ruin, than any other sovereign who ever filled the English throne. To enumerate evil qualities, particularly such as denote a base and perverse nature, and to show their influence over the publick, as well as private, acts of men, is an occupation neither adding to the pleasures of history, nor generally among its duties; but it is, indeed, no exaggerated measure of censure to say, that of all

the kings of that unhappy race of which he was the first in England, he was the most absolutely destitute of all that could win the affections or command the esteem of men who desire any higher motive for reverencing a sovereign than the mere feeling of homage due to his office. Insincere, like Charles I., — mean, profligate, and unprincipled, like Charles II.,—vindictive, prejudiced, and irresolute, like James II.,—he had not the amiable or respectable qualities of any. Without the dignity or courage of the first,—the pliant and popular temper of the second,—or even the obstinate and perverse conscientiousness of the last,—he went near to unite in his character the worst vices of each, with others in addition which belonged to none. Amongst the latter was great inconstancy in friendship, joined with a degree of personal pusillanimity, which seldom fails, in publick life, to make men implacable and cruel*.

* Of the last of these vices sufficient testimony is given by his unrelenting persecution of the Ruthvens and of Arabella Stuart; the revival of executions by fire, under the pretext of an unrepealed statute against heresy; and the barbarous minuteness with which, in the case of Guy Faux, he prescribed the manner and extent of

For the rest, his honour, and even his partialities, were ever ready to be sacrificed to his fears. His fears had surrendered Raleigh to the jealousies of Cecil and the menaces of Spain; and the fickleness of his temper, which had already triumphed over his shameful fondness for three successive favorites, transferred to a fourth, upon his first appearance at court, the undivided stewardship of the prerogative; thus proving equally to his courtiers and to the country that their only sure defence against the inconstancy of his character was what might be maintained by an appeal to its timidity. Even in Somerset's case, it appears to have been the awe in which that great criminal held the king bound, rather than any pity or fondness, which saved him from the just punishment which James had solemnly, and in the presence of the judges and of his whole court, at Royston, sworn, under a dreadful condition of the curse of the

the question by the rack, also against law. 'As touching the torture,' says he, in his autograph instructions to the Privy Council as to the examination of Guy Faux, which are still preserved in the State-paper Office, 'as touching the torture, let it bee 'used gentlye at first; but, if need bee, *usque ad imum tendetur.* 'And soe God prospere you in your goode worke.'

Almighty on himself and his posterity *, to execute impartially upon the murderers of Overbury, against whomsoever that act should be proved †.

* 'Therefore, I charge you, my Lords, as ye will answer it at 'the great and dreadful day of judgment, that ye examine it 'strictly, without favour, affection, or partiality. And, if ye shall 'spare any of this crime, God's curse light on you and your pos- 'terity. And if I spare any which be found guilty, God's curse 'light on me and my posterity.' His pardon contains these words:—'We have, of our special grace and mere motion, par- 'doned, remitted, and remissed; and, by these presents, for our- 'selves, our heirs, and successors, do pardon, remiss, and release, 'Frances Carre, late Countess of Somerset, the slaughter, killing, 'poisoning, bewitching, death, felony, and felonious murther, of 'Sir Thomas Overbury.'—Sir Arth. Weldon—State Tryals—Rapin.

† The baseness of James's mind, and the corruption of his habits, are not subjects of an inviting sort. To such as can find amusement in the loathsome infirmities of the king, and the shameless insolence of his favourites, it has been already afforded elsewhere in abundant measure. In the trash of 'Steenie,' and 'Baby Charles,' and their 'Deere Dad and Gossip,' the publick taste has been vexed with evidence of how justly warranted have been the prevailing contempt and disgust of posterity.

In Dalrymple's collection of letters is a singular communication from the Duchess of Buckingham to the king, shewing on what strange domestick topicks the females of that noble house, then so favoured and so dishonoured, found entertainment for the senile inquisitiveness of their master's character.

'May it pleas your Majestie,

'I have receved the two boxes of dried plums and graps, and 'the box of violatt caks and chickens; for all which I most hum- 'blie thank your Majestie. 'I hope

Nor does his reputation stand better for steadiness in religion than for constancy in friendship. Educated in the bosom of the Kirk, he was afterwards won over to defend,

'I hope my Lord Arran has tould your Majestie that I did mean 'to wene Mall very shortly. I wood not by any mens a-done it 'till I had first made your Majestie acquanted with it; and by 'reason my cusen Brett's boy has binne ill of latt . . . . . 'maks me very desiorous to wene her; . . . . . so I 'do entend to make triall this night how shee will endure it. This 'day, praying for your Majestie's health and longe life, I humbly 'take my leave.

'Your Majestie's most humbell sarvant,

'K. BUCKINGHAM.'

I am tempted to subjoin a letter which follows in the same collection, if it be only for the noble contrast of style and sentiment which it displays in another person of the same rank; and as a sample of concise, but pure and touching, eloquence. It is written by another Katherine, the Duchess Dowager of Lenox, widow of Esme the third Duke, and, as Dalrymple truly calls her, 'the 'mother of many heroes.'

'My Sovereign Lord,

'According to your Majesty's gracious pleasure, signified unto 'me, I have sent a young man to attend you, accompanied with a 'widow's prayers and tears, that he may wax old in your Majesty's 'service, and in his fidelity and affection may equal his ancestors 'departed; so shall he find grace and favour in the eyes of my 'Lord the King; which will revive the dying hopes and raise the 'dejected spirits of a comfortless mother.

'Your Majesty's most humble servant,

'KA. LENOX.'

This 'young man' was James Duke of Richmond and Lenox, one of the bravest and most accomplished gentlemen of his time; whose chivalrous 'fidelity and affection' to the cause he afterwards

in the famous controversy at Hampton Court, that Arminian discipline, and those remains of Popish ceremonial, which (contrary to the Articles, as the Calvinists contended) were maintained by the prelatical party in England. So that, in the end, it may be doubted whether he was ever sincerely attached to the religion of either of his kingdoms. We find him, on the one hand, secretly favouring the Roman Catholicks at court, from dread of private conspiracy, while, on the other, to humour the popular inveteracy against them, he openly authorized the most violent persecutions; and ostentatiously took God to witness before his Parliament that he never harboured the thought of extending to them even toleration*. Having entered the lists of public controversy against Bellarmine, he at the same time (as is shown by many original papers, some pub

espoused never failed, and who at last obtained leave from the Parliament to lay in the tomb the mortal remains of an unhappy prince, whom he had never countenanced in his errors and never deserted in his misfortunes.

* Burnet gives, in proof of James's early bias to Popery, a curious account of his overtures to the court of Rome made through Elphinstone, Lord Balmerinoch, and Seaton, Earl of Dumferling, with which Bellarmine afterwards reproaches him.—Hist. Own Times, 8vo. i. 13, 14.

lished,) was secretly corresponding with him in terms of confidence on those very dogmas which were the matter of their apparently fierce encounter*. Thus did he, alternately, and with as much impartiality as the spirit of the times would permit, show favour to the churches of England and of Rome, in order to strengthen, at all events, episcopacy, as a useful state engine against the democratick tendency of the Presbyterian discipline.

It is truly remarked by Lord Bolingbroke†, that the causes of the Parliamentary war were laid in the conduct of James as early as his accession to the throne of England. At that period, opportunities of the utmost value to a good prince, but full of difficulty and peril to a bad one, surrounded him on every side. Nor did they ever quite desert him throughout his shameful reign. The strength and glory of this kingdom had already reached the consummation to which Elizabeth's long and brilliant administration had tended to raise them. Not only had foreign states been compelled, by the wisdom of her councils, and the power of her arms, to leave her in the enjoy-

* Holkham Papers. † Remarks on English History.

ment of triumphant peace: not only had she withstood the assaults of the mightiest prince in Europe, and unallied, and alone, baffled his projects of universal monarchy: not only were the maritime rights of England secured, her publick credit redeemed, the independence of her Church established, the French Protestants protected from persecution, and Holland placed, by her generous aid, in a condition to break the Spanish yoke; but faction at home had yielded to the strength, the prudence, and the popularity, of her sway. Whatever there remained of hostile spirit among the Scots, after the death of their Queen, was now reconciled by the union of claims in James's person. England and Scotland, each powerful to disturb, though unable to subdue, the other,—*mutuo metu, mutuis moribus, et montibus, divisi,*—had, in effect, fallen under the rule of one sceptre; and the English jealousy of a Scottish King was merged in the general goodwill which the memory of Elizabeth bespoke for her appointed successor. Thus favoured by every circumstance that could promise stability to a throne, James had, in addition, received

the legacy of her example, and had before him her experience in the art of controuling the English people. 'That she was fond 'enough of her prerogative,' says Lord Bolingbroke *, 'is certain; but then she took 'care that it should never be grievous, or 'that, if it was so upon some occasions to par- 'ticular persons, it should appear, by the 'occasions themselves, and by the manner of 'exercising it, specious to the publick.' 'She 'was wise enough,' says the same author, in another passage not more recommended by its beauty than by its justice,—'she was wise 'enough to see clearly into the nature of that 'government at the head of which she was 'placed, and to know that the supreme head 'of such a government owes a supreme ser- 'vice to the whole. She was wise enough to 'know that, to be powerful, she must either 'usurp on her people, deceive them, or gain 'them. The two first she saw were hard, 'dangerous, and dishonourable. The last 'she saw was easy, safe, and glorious. Her 'head and her heart concurred to determine

* Remarks on English History.

'her choice. She made herself very soon 'the most popular person in the kingdom*.'

If any further elements of publick prosperity remained to be desired by James, they were to be found in the great weakness of every power in Europe, whose enmity was to be apprehended, or whose friendship was doubtful. Spain, the proud, the warlike, and the ambitious, was slumbering under the feeble sway of Philip III., a prince of small abilities and no application, and entirely governed by the Cardinal Duke of Lerma, who was labouring to repair, by the improvement of her colonial resources, the loss of power and reputation which she had sustained in the Netherlands. For, though the independence of those provinces had not yet been established by treaty, the inability of Spain to continue the war had been acknowledged in the truce. This sovereign, shortly after James's accession, was succeeded by his son, a boy of sixteen, governed as absolutely by the favourite Olivarez, as his father had been by Lerma. The defeat of Tyrone, and

*. Remarks on English History.

of Don John d'Aguila, in Ireland, had terminated the hopes of the Spaniards in that quarter; and, in four years after, the United Provinces were treated with at Antwerp as an independent power. A fresh and important triumph to the Protestant cause.

Meanwhile, France, stunned and dismayed by the blow which had deprived her of the best of her kings, was left under the rule of an infant, and perplexed by the disquieting prospects of all she might have to endure, throughout a long minority of the Crown, from a turbulent nobility, inflamed at the same time by both civil and religious animosities. Poland and Sweden were at war with each other, and the tranquillity of the German Empire seemed secured by the weak and indolent character of Rudolph. Nothing threatened to disturb this general repose abroad, or to distract King James from the business of improving all these mighty advantages, till the war of 1618, concerning the claims of the Elector Palatine to the Throne of Bohemia.

But scarcely was the first year of James's reign completed when he became involved in

disputes with his Parliament. He assumed by proclamation a direct controul over returns of elections, all of which he commanded should be filed in Chancery; and, charging the electors to avoid choosing persons 'noted 'for their superstitious blindness one way, or 'for their turbulent humour other ways,' he threatened with fine all places that should make returns contrary to such proclamation; and with fine and imprisonment all persons who should be so returned *. These monstrous pretensions were instantly resisted, in the case of Sir Francis Goodwin †, who had been elected by the county of Buckingham, in opposition to Sir John Fortescue. After a dispute of nearly three weeks, the matter of privilege was compromised, upon the proposal of the King, but not without an expression of strong dissatisfaction from the Commons ‡. The House, however, had thus, in some sort, gained an admission of its right of final judgment.

James had begun his reign with a plain

* Parliamentary History.
† Carte. Parliamentary History.
‡ Commons' Journals.

declaration of absolute authority, founded on divine commission. With an extremely imperfect title by descent, he was foolish enough to dispute the power of Parliament to confer or confirm one*. Unfurnished with troops or money to enable him to support it, and untaught by his early experience in Scotland to deal wisely with the mounting spirit of party, he proceeded to form new projects of arbitrary taxation, and to lavish the greater part of the treasure so raised in grants to unworthy favourites. The laws

* Divine right was, of all titles, the most dangerous for James to put forward; as holding the crown from the bequest of a sovereign of the house of Tudor, whose title rested on an Act of Parliament. For Henry VII., who was not heir by primogeniture of either York or Lancaster, was King simply by Act of Parliament. Notwithstanding that the hereditary principle in the royal succession has ever, unquestionably, been a main part of the English Constitution, still it is remarkable that, down to the time of James, more sovereigns had reigned by election and by usurpation than by descent. In truth, it is not easy to prove by history any single unvarying principle of succession to the English throne. Almost all the sovereigns, before James, had taken care to confirm their titles by Act of Parliament. Queen Elizabeth, whose legal succession to her father was never disputed but by the Roman Catholicks, was wise enough never to stir the question of divine, or even lineal, right. She rested securely on the prevailing feeling of the country that she was the person best qualified to rule over it, and was content with that title, confirmed to her by her own power and the affections of her people.

were set at nought by the Scottish and English courtiers in the course of their quarrels, arising out of national jealousies. Frequent duels arose between them, the deadliest feuds, the bitterest machinations of private intrigue, and not unfrequent attempts at assassination both secret and open *. The influence of the prelates increased; the Established Church was discredited by the servility of the Court divines; and the antient nobility were insulted by the vulgar sale of publick honours by the King, to feed the vanity of his creatures, and to meet the demands of his own cupidity and of their corruption. Though betaking himself freely to those expedients for revenue, he, nevertheless, does not appear to have deceived himself as to the disgrace which they brought upon his person and government. James had discernment; he had, moreover, some powers of drollery, which, however, generally broke forth in such sallies as are easiest to all men when they are not controuled by feelings of honourable shame. It is given as

* Fulke, Lord Brooke's Five Years of King James.

one of his sharp and ingenious sayings, that, when conferring a purchased knighthood on a country gentleman, who was receiving it bashfully and in confusion, he exclaimed—'What! hold up thy head, man; I have more reason to be ashamed than thou *.'

The examples of profusion, debauchery, and riot, given by the court, spread their baneful influence throughout the country; all sort of shameful vices, according to Lord Brooke, abounding among the higher orders, and even the ladies of the nobility dishonouring themselves and their names to support the luxury of their families; 'there being,' says he, 'as much extortion for sinne as 'racking for rentes. So our ancient customes 'were abandoned, and that strictness and se-'verity that had wont to be amongst us, the 'English, scorned and contemned, every one 'applauding strange or new things, though 'never so costly, and, for the attaining of 'them, neither sparing purse nor credit†.' Then began that love of excess, and that tyranny of private manners, so simply but elo-

* Miss Aikin.

† Fulke, Lord Brooke's Five Years of King James.

quently described by Mrs. Hutchinson in one of the most striking passages in her Memoirs. Men of sober habits, particularly those who combined with a dislike of the dissolute manners of the Court a leaning in favour of popular rights, were reviled as puritans; and those who ventured to uphold the authority of the laws for the protection of the subject were marked out for calumny and oppression. 'Pollutæ cæremoniæ, magna adulteria, ple-'num exsiliis mare, infecti cædibus scopuli, 'atrociùs in urbe sævitum. Nobilitas, opes, 'omissi gestique honores pro crimine, et ob 'virtutes certissimum exitium. Nec minus 'præmia delatorum invisa quam scelera. 'Cum alii sacerdotia et consulatus ut spolia 'adepti, procurationes alii et interiorem po-'tentiam . . . . Non tamen adeò virtu-'tum sterile sæculum ut non et bona exempla 'prodiderit*."

The natural consequence of an unjust proscription ensued. The friends of liberty were all drawn together to make common cause with the oppressed sectarians;—and the op-

* Tacitus, Hist., lib. i.

pressed sectarians all learned to be friends of liberty*.

The sturdy opposition excited in the first Parliament of 1603-4 increased and spread;

* The dispositions of the King towards the two great sects, between the opposite assaults of which the Church of England stood, are thus given in Peck's *Desiderata Curiosa*, in a letter addressed to Dr. Jegon, Bishop of Norwich, touching 'the singular great 'repulsion felt by his Majesty against nonconformists.' In February, 1604, on a petition presented by three or four knights of Northamptonshire in favour of nonconforming ministers, 'his 'Majesty took such a deep impression, as, the next daye, being 'Sundaye, he sat eight hours in council with the Lords. In this 'meeting hee first most bitterly inveighed against the puritanes, 'saying, that the revolt in the low countries, which had lasted ever 'since hee was borne, and whereof hee never expected to see an 'ende, began first by a peticion for matters of religion; and soe 'did all the troubles in Scotland. That his mother and hee from 'their cradles had been haunted by a puritane divel, which hee 'feared would not leave him to his grave; and that hee would 'hazard his crown but hee would suppress those malicious 'spirits. From the puritanes hee proceeded to the Papists, pro-'testing his utter detestation of their superstitious religion; and 'that hee was so far from favouring it, as, if hee thought his 'sonne and heir after him could give any toleration thereunto, hee 'would wish him fairly buried before his eyes.' That he was sincere in his invective against the puritans there is no reason to doubt, nor that the motive he assigned for his 'singular great 'repulsion' to them was the true one. For he had shrewdness enough to see, that, in a state where any one form of worship is especially privileged, every advance towards the relief of sectarians must ever be a sure indication of the advancing spirit of civil liberty. But his declaration against the Roman Catholicks appeared afterwards, from his conduct in the course of the two several negotiations respecting the marriage of his son Charles, to have been merely an outbreak of low vanity, or an artifice of low craft. For in both of

it produced in the King's mind a feeling of violent and deep resentment; and, after six years of almost unremitting conflict, came a sudden and angry dissolution, December 31, 1610.

A second Parliament was convened in a little more than three years after. Of this House of Commons Mr. Hume says, that they discovered 'an extraordinary alarm on account of the rumours spread abroad concerning Undertakers. It was reported that 'several persons attached to the King had 'entered into a confederacy, and, having laid 'a regular plan for the new elections, had 'distributed their interest all over England, 'and had undertaken to secure a majority 'for the Court. So ignorant,' continues he, 'were the Commons, that they knew not this 'incident to be the first infallible symptom 'of any regular or established liberty.'

those negotiations he stipulated not only to tolerate the Roman Catholicks, but to maintain for such as should be of the Queen's household a place of publick worship. In truth it is manifest, that from the beginning of this reign, notwithstanding the powder-plot, the zeal of the high church and high prerogative party was ever inflamed to much greater violence against the Puritan influence, which was the advancing enemy of the establishment, than against the Popish, which was the discredited and declining.

All attempts to manage returns are unquestionably symptoms of the advance of liberty, inasmuch as they shew how great is the value which those who would manage them attach to the support of Parliament, and to the influence of the publick voice. Yet surely it is a singular conclusion, that the alarm manifested by the Commons shewed their ignorance of this obvious truth. On the contrary, the jealousy of such influence cannot but be considered a proof, on the part of the Commons (as the use of such influence was on the part of the court), of a quick sense of the importance of popular representation, as an engine of publick liberty. The purpose, however, of Mr. Hume becomes tolerably clear, where he insinuates that the resolution of the House was founded on nothing better than a 'rumour 'spread abroad concerning Undertakers.' The Journals shew that it was not mere rumour; evidence had been taken before several committees on this matter; and the words of the resolution itself, alluded to but not quoted by Mr. Hume, set forth the evidence in detail.

This Parliament also, manifesting a spirit

of resistance to monopolies, and to grants illegally charged on the revenue, and, moreover, questioning sharply certain words alleged to have been spoken against its privileges by Neile, Bishop of Lincoln, who had already commenced his career of court favour, was dissolved after a session of two months*; and James, not caring to submit his measures again to such controul, forbore for many years from calling another.

In the meanwhile the demands upon the Treasury became more urgent, the revenue was falling off and in arrears, and the general state of publick affairs was disastrous and discreditable to England. Nor was there anything in prospect that promised better. The period of her strength and glory had been suffered to pass fruitlessly away; while her ancient rivals, improving their means, and practising upon the pusillanimity of James, had gradually assumed a new tone of boldness; and her

* The Speaker, on one occasion, left the chair without consent of the House, and was rebuked for it by several members. Mallory, opening the debate, says, 'his mouth open, and his heart 'free,—will spare none, though they sit in chairs,—whereof 'Mr. Speaker is likely to have a share.'—Commons' Journals.

honour was tarnished, at a great political crisis, by a display alike of feebleness and bad faith.

Such was the position of this country, when the king, having governed for near seven years without a Parliament, and being pressed by absolute want of money for the publick service to summon a new one, January 30, 1620-1, Hampden first took his seat in the House of Commons. It was for a borough which has become in our day a by-word in the ears of such as love the sound of publick virtue and popular representation. Grampound, which was then a place, as we shall hereafter have occasion to see, of no inconsiderable wealth and importance, had the glory of first sending John Hampden to Parliament. It appears that, about this time, certain of his friends were desirous that he should seek other means of advancement. His mother was very urgent with him to look to adding a peerage to the dignity of his family. 'If 'ever,' says this lady, in a letter preserved in the British Museum,—'if ever my sonn will 'seek for his honor, tell him nowe to come; 'for heare is multitudes of lords a makinge—

'Vicount Mandvile Lo. Thresorer, Vicount 'Dunbar which was Sr. Ha. Constable, 'Vicount Faukland which was Sr. Harry 'Carew. These two last of Scotland, of Ire-'land divers, the deputy a vicount, and one 'Mr. Fitzwilliams a Barron of Ingland, Mr. 'Villers a Vicount, and Sr. Will. Filding a 'Barron. . . . . I am ambitious of my 'sonn's honor, which I wish were nowe con-'ferred upon hime, that he might not come 'after so many new creations*.' But this counsel was not followed. In whatever course of publick service her son may, thus early, have thought that the path of his honour lay, it is most certain that he did not seek it in the presence-chamber of James I. It might, not improbably, hence occur to some persons who have made themselves commentators on the secret motives of Hampden, and who profess to see in his acts no nobler aim than to advance the ends of his private ambition, to ascribe his active patriotism in after-life to early disappointment in a negotiation for a peerage. This would, however, be the reverse of truth. He never sought one. On the con-

* Harl. Coll.; Mrs. Eliz. Hampden to Mr. Anthony Knyvett.

trary, he declined both the means and the object suggested; and, when it is recollected how titles were at this time obtained, it will not be thought that such an object, if desired, could have been difficult of attainment to a young man at the head of so ancient and powerful, and, above all, so wealthy, a family. When it is remembered, also, that it was by advancement of this sort that the court afterwards reconciled several of its most powerful opponents, it will not seem probable that James or his successor would have neglected to win over, if it had been possible, at such a rate, so powerful a foe as Hampden.

During the first year he took no very forward part in publick business, except by serving upon the Committee on the Bill of Informers *, and managing, at the age of twenty-seven, a conference with the Lords on the same matter †. Though not a frequent speaker, he was diligent and eager in discharge of the more ordinary and less inviting duties of a parliamentary life. We find him

* Martis, 5 Feb. 18 Jac. An Act against certain troublesome persons, relators, informers, and promoters.—Commons' Journals.

† Commons' Journals.

concurring in the general measures for restraining abuses, and joining in the remonstrances against the marriage of Prince Charles with the Infanta, and in favour of the Protestant cause in Germany, overmatched, as it was, by the power and connexion of the House of Austria.

The perseverance of the leading members, in detecting delinquencies among some of the highest officers in the state, and their boldness and eagerness in exposing them, had inflamed the indignation of the king. But this Parliament was also famous as having been the first to discover and apply the only true means possessed by a deliberative body for controuling a bad government. It is to this period, and to these men, that we trace the formation of the system of Parliamentary Party, and the first workings of that spirit of political union on which it depends; a spirit plainly, and in the highest degree, important to liberty, and which it has therefore been ever since the great business of arbitrary politicians to discredit in the estimation of the country. A system of association, founded not upon the surrender of principles, but upon the compromise of extreme

opinions, and which, while it affords to the people the only effectual defence against the influence of a government, raises up for the sovereign the only lasting security against those violent enterprises which, where Parliamentary Party is unknown, are the ordinary and only effectual checks upon regal power*.

To this first Party, thus formed, and considerable as it was in the wealth, talents, and reputation of most of its principal members, Hampden early and closely attached himself. Among them were Selden and Pym: the first eminent above all others for prudence and deep learning to direct and temper the efforts of his publick virtue; the latter almost his equal in parliamentary lore—fully his equal in shrewdness, courage, and perseverance. With these was St. John, crafty, enterprising, inveterate, and indefatigable; with a zeal uncompromising in the pursuit of its objects, and an inscrutable reserve in his manner of

* The following definition, profoundly conceived and wittily expressed, was given of the mightiest arbitrary Government in the North of Europe, by a very celebrated person of our own times, and may be generally predicated of all sovereignties under which there is no spirit of popular party—' C'est une monarchie presque absolue, limitée par l'assassinât.'

pursuing them,—and a disgust to the court, confirmed by his having been the first person marked out to pay, by fine and imprisonment under a Star Chamber decree, the penalty of his former opposition. Of this party, also, entering Parliament in the same year with Hampden, was Wentworth, who, with the most brilliant qualities of a vigorous mind, a commanding eloquence, and a lofty and dauntless spirit, in due season betrayed his willingness to bend to the terms insinuated by the court, and at last surrendered his constancy to the love of power and to the allurements of a bad ambition, with as much ease as other men made sacrifice of their smaller reputation in barter for the mere rewards of title and subordinate office. Of Sir Edward Coke, also prominent in this party, it must be suspected, notwithstanding his immortal services to his profession and to his country, that much of his opposition was attributable to his jealousy of the Chancellor and of Villiers, the latter of whom he had, beforetime, vainly endeavoured to propitiate by the most base and impious adulation. To these may be added the eminent name of Eliot, and with

it are to be reckoned many, such as Mallory, Saville, Sir Dudley Digges, and Sir Robert Phillips, who, though not considered in any respect as leaders in that memorable association, yet, from their station in their respective counties, and from the acknowledged reputation of some of them for high-mindedness and integrity, were of great importance to the publick cause. Admitted to an intimate share in their councils, with such as were not in after-times detached by the court, Hampden maintained through life the closest personal friendship.

This Parliament, soon feeling its own strength, pursued, but with increased energy, the same course as the preceding one; and the king, anxious to relieve himself from all further importunity, dissolved it by proclamation, January 6, 1621-2, after rather less than a year's duration. Within that short time, however, much had been done towards effecting a system of reformation of abuses, and a controul of the expenditure, which had been attempted with less success by the former Parliaments of this reign. Sir Giles Mompesson, and Sir Henry Yelverton, Attor-

ney-General, with some other offenders of less note, were sentenced to fine and imprisonment; some for malversation in office, and others for private pecuniary frauds upon the revenue. But the storm, as it swept on, assailed higher places in the court and state*. Among others convicted of peculation was Sir Edward Villiers, brother to the Favourite whose rapid rise and boundless influence had already become so distasteful to the country. Nor could the high station, nor the matchless renown, of Lord Bacon himself, save from the even-handed severity of the Parliament this illustrious victim to the temptations of a corrupt time. Mompesson fled from judgment †, and Villiers obtained also, through his brother's influence, the means of retiring beyond seas. But Bacon was doomed, after a long and melancholy exposure, to expiate in poverty and dishonour what it is fit to observe never amounted to a perversion of justice for

* 'Funditus expellant monopolos et nomopolos,' said Sir Edward Coke.—Commons' Journals.

† Sir Edward Coke reports, March 27, from the conference with the Lords on Mompesson's case, that the Lord Treasurer said that—'As the Jews' hearts brent when they spake with Him going to Emmaus, so they to hear the King yesterday in His Royal Seat.'—Commons' Journals.

personal emolument. It is no defence, and but a poor palliation; and yet the load of this great man's disgrace is somewhat lightened by describing his offence truly. He accepted gratuities from suitors to hasten the decision of their causes in chancery; a sale, as he himself pleaded, 'of justice, but not of in-'justice;' aggravated doubtless by the facilities which his indolence afforded to the frauds of others, and countenanced only by long-prevailing practice in that court, and by such examples as it would be shameful to urge in excuse of such a man. He was forbidden by the king to defend himself;—a condition to which his wounded spirit easily bowed itself; and his unqualified submission was presented by Prince Charles to the Lords, in order that, wholly occupied with so great a sacrifice, the Parliament might be led from pursuing the much deeper corruptions of others nearer to the person and the partialities of the king. Of this motive no doubt can remain since the publication of his correspondence with Buckingham. We are left, however, to mourn over what is too plainly admitted by himself, where he confesses, with

an eloquence so touching, his abject sense of his own degradation, concluding with these sad words to the commissioners appointed to receive his confession and humble submission: 'My Lords, it is my act, my hand, 'and my heart,—I beseech your Lordships 'to be merciful to a broken reed*.'

These great and salutary works, achieved by the boldness of the popular party, were strengthened by the vigour of their remonstrances. They strenuously insisted upon the danger of the growing power of Austria to the liberties of Europe, and to the Protestant interest; they spoke of the surrender which had been made of the cause of the Elector; they represented the growth of Popery in England, and complained of the countenance which would be afforded to it by the projected marriage of Prince Charles†. The king's reply, in which he plainly told the Commons that these matters were 'beyond 'their reach and capacity,' and sharply warned them against 'meddling in future 'with what concerned his honour and govern-

* Parliamentary History—Lords' Journals.
† Parliamentary History.

'ment alone*,' was of a sound ill calculated to reconcile the high spirit of a body which was not to be subdued. In the resolution which followed, upon Sir Edward Sandys's commitment by the privy council for words spoken in the house, they asserted their privilege to advise on all matters of state, and claimed liberty of speech, for the use of which they contended that each member was answerable to the house alone†. So new to James was this doctrine, and so unexpected the tone in which it was propounded, that upon hearing of the vote which directed that a committee of twelve members should present the remonstrance to him, he straightway commanded that as many chairs should be brought into the presence-chamber. 'Chairs!' cried he, 'chairs!—a' God's name, here be twelve kings a coming‡!' But his answer to them was in very serious earnestness. He disallowed their phrase of 'undoubted right and

* Parliamentary History.

† The debate on this memorable resolution appears to have been the first occasion on which candles were brought into the House of Commons, 'they having sat late, even to six of the clock in that 'evening.'—Parliamentary History.

‡ Kennet, Rapin, Wilson.

'inheritance,' and told them that their privileges were derived to them 'from the grace 'and permission of his ancestors,' and 'rested 'rather on toleration than inheritance.' Then passed unanimously that renowned protestation, called by Selden the second Magna Charta, declaring that 'the liberties, fran-'chises, privileges, and jurisdictions of Par-'liament are the ancient and undoubted 'birthright and inheritance of the subjects of 'England; and that the arduous and urgent 'affairs concerning the king, state, and de-'fence of the realm, and Church of England, 'and the maintenance and making of laws 'and redress of mischiefs and grievances 'which daily happen within this realm, are 'proper subject and matter of counsel and 'debate in Parliament; and that in the 'handling and proceeding of those businesses 'every member of the House of Parliament 'hath, and of right ought to have, freedom of 'speech to propound, treat, reason, and bring 'to conclusion, the same; and that the Com-'mons in Parliament have like liberty and 'freedom to treat of these matters in such 'order as in their judgments shall seem fittest.

'And that every member of the said House 'hath like freedom from all impeachment, 'imprisonment, and molestation, (otherwise 'than by censure of the House itself,) for or 'concerning any speaking, reasoning, or de-'claring any matter or matters touching the 'Parliament, or parliament business. And 'that if any of the said members be com-'plained of and questioned for anything 'done or said in Parliament, the same is to 'be shewed to the king by the advice and 'assent of all the Commons assembled in 'Parliament, before the king give credence 'to any private information*.'

A House of Commons breathing such a spirit was not to be expected long to survive this protestation. The king dissolved it, and with his own hand struck the entry off the Journals. But his vengeance pursued its members even beyond its dissolution: Coke, Phillips, Selden, Pym, and Mallory, Sir Dudley Digges, Sir Thomas Crew, Sir Nathaniel Rich, and Sir James Perrott, were all committed under one warrant to prison; the four last (as a lighter punish-

* Parliamentary History.

ment, as Rushworth oddly phrases it,) being afterwards put upon a commission in Ireland. — A desperate measure, ensuring, whenever again a parliament should meet, the confirmation of the very doctrine in dispute, which no king could hope to see formally ceded to him, but which a wiser one might have contrived to leave for some time longer in doubt between himself and his people. Nature had not designed James for the part of a respectable tyrant. His passion for absolute authority, when opposed, was restless and querulous;—powerless when indulged. Unable to rule but by first enslaving himself to some unworthy minion, he had substituted for the influence of Somerset one of much greater publick mischief. The power of Somerset had been felt in the disgraceful advancement and burthensome charge of his creatures and dependants, and by three foolish, corrupt, and ineffective, projects of finance *, Villiers at once grasped the helm of the

* His schemes were, 1st, creating the new order of baronets and selling the dignity; 2nd, raising the price of English coined gold ten per cent., having before prohibited the exporting of it, so that the Unity, which before passed at 20*s*., was raised to 22*s*. 'Yet this,' says Stow, 'was no more than what English coin was

whole state, and adventured the newest and most dangerous courses, at a more difficult crisis than till then had ever befallen England in her domestick policy. As a statesman, he displayed neither genius nor moderation; but, as a courtier, he had every quality for distinction and advancement. To an admirable person and address he joined an unwearied spirit of intrigue, and a boundless ambition. The first introduction of Villiers at court is an imputation upon the otherwise blameless memory of the upright and venerable Archbishop Abbott. He placed him near the King's person; he urged his promotion; he reconciled the Queen to it*. Of this

' valued at abroad, so that much of it was exported;' and 3rd, the establishment of the first State Lottery, which was for royal grants in Virginia; but all failed as means of revenue.

* This is the account which Abbott himself gives of it—' George ' was of a good nature, which the other, (Somerset,) was not. And, ' if he should degenerate, yet it would be a long time before he ' will be able to attain to that height of evil which the other had. ' In the end, upon importunity, Queen Anne condescended, and ' so pressed it with the King, that he assented thereunto, which ' was so stricken when the iron was hot, that in the Queen's bed- ' chamber the King knighted him with the rapier which the Prince ' did wear. And when the King gave orders to swear him of the ' bedchamber, Somerset, who was near, importuned the King with ' a message that he might only be sworn a groom. But myself, ' and others that were at the door, sent to her Majesty that she

misuse of a well-deserved influence the only apology is, that it was to break down the shameful power of Somerset; and the penalty

'would perfect her work, and cause him to be sworn a gentleman 'of the chamber. There is a Lord or two living that had a hand 'in this atchievement. I diminish none of their praise for so happy 'a work. But I know my own part best; and, in the word of 'an honest man, I have reported nothing but truth. George went 'in with the King; but no sooner he got loose, but he came forth 'unto me into the privy gallery, and there embraced me. He pro- 'fessed that he was so infinitely bound to me that, all his life 'long, he must honour me as his father. And now he did beseech 'me that I would give him some lessons how he should carry him- 'self. When he earnestly followed this chace, I told him I would 'give him three short lessons, if he would learn them. The first 'was, that daily upon his knees he should pray to God to bless 'the King his master, and to give him, (George,) grace studiously 'to serve and please him. The second was, that he should do all 'good offices between the King and Queen, and between the King 'and the Prince. The third was, that he should fill his master's 'ears with nothing but truth. I made him repeat these three 'things unto me, and then I would have him to acquaint the King 'with them, and to tell me, when I met him again, what the King 'said unto him. He promised me he would; and, the morrow 'after, Mr. Thomas Murray, the Prince's tutor, and I, standing 'together in the gallery at Whitehall, Sir George Villiers coming 'forth and drawing to us, he told Mr. Murray how much he was 'beholden unto me, and that I had given him certain instructions 'which I prayed him to rehearse, as indifferently well he did before 'us. Yea, and that he had acquainted the King with them, who 'said, they were instructions worthy of an Archbishop to give to a 'young man. His countenance of thankfulness for a few days 'continued, but not long, either to me or to any others his well- 'wishers. The Roman historian, Tacitus, hath somewhere a note, 'that benefits, while they may be requited, seem courtesies; but,

was soon suffered by the good archbishop in the jealousy and ingratitude of the favourite, advanced with a ceaseless rapidity to the highest rank which a subject can attain, and to offices for the duties of which he was totally unfit.

At the head of a government at open variance with the Parliament, and of a court which spared nothing to a beggared treasury, and denied nothing to its own profuse magnificence, this minister displayed a character full of strange vanities and vices, yet, shrouded in a blaze of shewy qualities. Without eloquence in Parliament or knowledge in Diplomacy, he yet had a certain quickness of perception and decision, assisted by a loftiness of carriage, which often gave him an undue ascendency in both. He had, besides, a high and dauntless courage which recommended him for command. But, even in the most eager pursuits of ambition or policy, his personal vanity was always sufficient to divert him to any trifling project for mortify-

'when they are so high that they cannot be repaid, they prove 'matters of hatred.'—Archbishop Abbott's Narrative in Defence—Rushworth.

ing a rival or gaining a woman's favour, and would lead him into enterprizes of difficulty from which he had not resources of mind to extricate him with glory, or even with credit. In addition to these failings, he early fell into the error, so common among arbitrary politicians, of not adapting his measures to the improving character of the times. His shrewdness in judging of men was employed only to enable him to found his influence upon their weaknesses and vices: so that, when opposed to men of capacity, or thwarted by what remained of publick virtue in the country, he found himself in conflict with weapons of which he knew not the use; and his counsels were dangerous, and his administration unprosperous. His only wisdom was the craft with which he managed weak or bad men; and his only virtue, the courage with which he overawed timid ones.

His government, however, in some important passages of this reign was not altogether unpopular. The project of the Spanish match was throughout fruitful to him in the means of greatness. Long the subject of King James's eager wishes, that negotiation

first afforded to Buckingham the opportunities which he desired of access to the Prince of Wales; nor did he fail to improve these, until, by administering to the romantick sallies of the young Prince, and by obsequiously forwarding all his objects with the King his father, he had succeeded in changing the aversion, which, according to Lord Clarendon, had been felt and declared by Charles, into the most devoted and lasting partiality. When the expedition to Spain was proposed by Charles to his father, his father remonstrated, stormed, and refused,—when urged by the favourite, he wept, swore he was undone, and consented. After the departure, he revoked his consent, remonstrated by letter, and wept again. But again, urged by the favourite, he supplied the prince and his followers in almost boundless measure with the means of outshining Philip and his court in the Escurial itself. Finally, when Buckingham, to gratify his own wounded pride, determined that the match should be broken off, he managed that intrigue also in a manner which flattered the feelings of the prince, and, at the same time, gave satisfaction to the country, and a triumph

to the popular party. A war with Spain followed, which Buckingham never could put upon justifiable grounds, and which, by his ill management, was made to arise out of a breach of treaty on the part of England. But its recommendation in men's opinions was the experience which they had had that James could not remain at peace with Spain without being her slave; and, therefore, by the declaration of war, the minister still further addressed himself to publick favour. But a popularity thus acquired by the accidental agreement of his own passions with the general desire of the nation was not of very durable materials; and he saw that he had no sure protection against the hostility of Parliament or the inconstancy of the king, but in the general support which Charles was now prepared to give him. To confirm this bond upon the heir-apparent by a measure which might also be agreeable to the country, he next engaged the prince to favour the project of a treaty with Louis XIII. against Austria, by the tempting proposal of a marriage with Henrietta, whom Charles, while on his way to Spain, had, by Bucking-

ham's contrivance, 'seen in all her beauty and sprightliness; his own feelings being well prepared to receive the impression by the excitements of a disguise, a clandestine visit to Paris, and a masked ball. But the 'free faith' of her royal brother, celebrated in Waller's lines*, was not to be as easily secured to the project of the treaty as to that of the marriage. The differences between France and Spain concerning the Valteline promised facilities to the treaty. But the encouragement given to it by Lewis was, probably, for a time,

* 'Such eyes as yours on Jove himself have thrown
'As bright and fierce a lightning as his own.
'Witness our Jove, prevented by their flame,
'In his swift passage to th' Hesperian Dame;
'When, like a lion finding in his way
'To some intended spoil a fairer prey,
'The royal youth, pursuing the report
'Of beauty, found it in the Gallick court—
'There publick care with private passion fought
'A doubtful combat in his noble thought.
'Should he confess his greatness and his love,
'And the free faith of your great brother prove,
'With his Achates, breaking through the cloud
'Of that disguise which did their graces shroud,
'And, mixing with those gallants at the ball,
'Dance with the ladies, and outshine them all?
'Or on his journey o'er the mountains ride?' &c. &c.

See Waller's *Epistle to the Queen*, on sight of her Majesty's Picture.

insincere, and governed by very different motives from those which made it desirable to England. His policy extended, as it appears, no further than to engage England to countenance his claim against Spain, until he might secure the effectual interposition of the court of Rome. On the main object of this country with respect to the Palatinate, the views of France were not only distinct from her's, but opposed to them. The pretensions of the Duke of Bavaria, supported by the empire, were more agreeable to the French interests than were those of Frederick, a Protestant dethroned, and living in obscurity under the protection of the Prince of Orange.

While the three powers were thus engaged, the Austrian government, ever ambitious, crafty, and well served in it's diplomacy, neither lost sight of it's design upon Bohemia, nor relaxed it's activity in the pursuit; and the assistances on which the cause of Frederick entirely depended were delayed until that wretched prince had been forced to surrender his last fortress, and, with it, all hopes of gaining the crown to which he had aspired, or recovering the electorate which he had

The main cause of the disgraceful failure of these complicated negotiations was doubtless in the personal irresoluteness of James. All foresaw the event in the weak and indecisive tone in which this country urged her demands; and some of the more prudent of his ministers, and of those who valued their own reputation, showed their reluctance to be employed in conducting them. The sagacious and high-minded Sir Henry Wotton declined both the French and Spanish embassies upon the pretext of his taste for the sojourn of Venice. At length he was commanded by the king to undertake the mission to the court of Vienna, from which, after in vain urging speedier and bolder measures for the support of the Elector, he desired to be recalled, under a protest which abundantly declared his sense of the national humiliation in which his sovereign would have persuaded him to bear a part *.

Amused and thwarted by turns, James vainly endeavoured to obtain leave from France for his army under Count Mansfeldt to pass, according to articles, into the Pala-

* Sir Henry Wotton's Life.

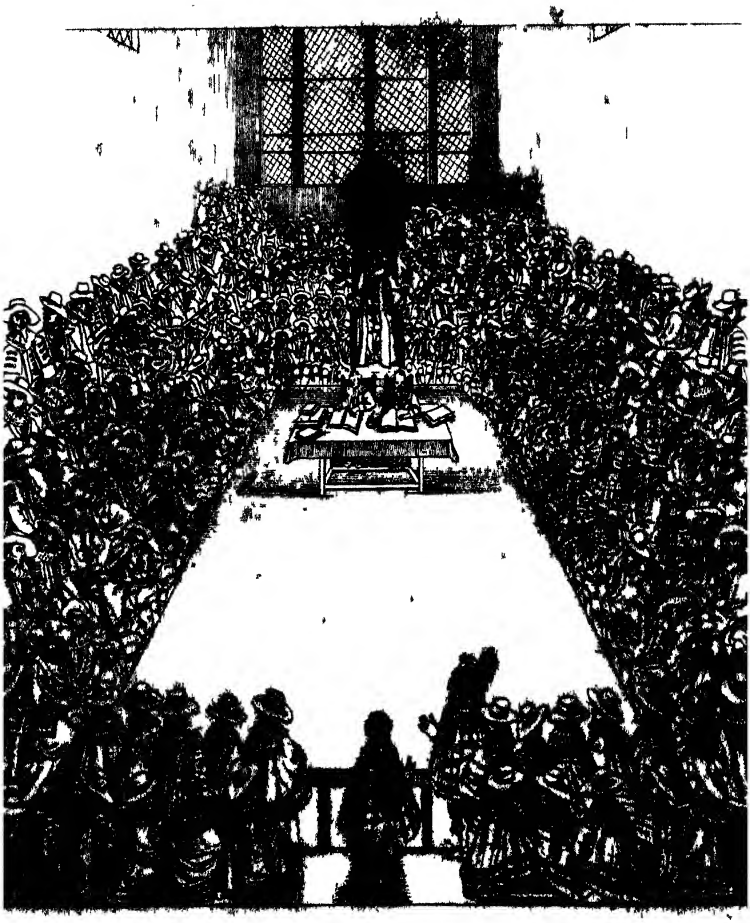
tinate; and, feebly and without success, urged on Spain the cession of Frankendahl, to which she also stood bound to him by treaty. Thus baffled and insulted, and mortified in his most sensitive point, the failure of that king-craft of which he made his boast, he gradually became aware of the extent of Buckingham's oversights, not only in his foreign policy, but in the whole, also, of his fatal plan of administration at home. He found the government become too weak to protect its own honour, the nation embroiled in a quarrel, which, from the outset, though popular, was one of very doubtful promise, and which he could now neither pursue with any hope of success, nor retire from with any shew of dignity; and the commons too jealous to grant any supplies without a previous redress of grievances.

Such was the state to which the king was now, when entering on the last year of his life, reduced. Embarrassed with an enormous debt of his own creating, though discredited by the surrender of the Dutch cautionary towns for money; embarrassed by the expenses of an increased navy, though discre-

dited by the indignities everywhere offered to it's before untarnished and triumphant flag; and the Parliament and the people crying out for war as the only means of avenging the wronged reputation of their country. And yet Lord Clarendon pronounces these to have been 'excellent times, *sua si bona norint;*' and Mr. Hume asserts that 'Mansfeldt's expedi-'tion was the only disaster which happened 'during this prosperous and pacifick reign*;— 'a reign,' he continues, 'than which it would 'be difficult to find one in all history less 'illustrious, yet more unspotted and unble-'mished †.' Upon this reign, besides the foul sacrifice of Raleigh, and the equally foul pardon of the highest actors in the murder of Overbury, remain the spot and blemish of a general dissolution of manners, a government whose measures were notoriously bid for and purchased by foreign gold, titles of honour publickly put to sale, ministers of state convicted of peculation, and a Lord Chancellor degraded for countenancing bribes in his court and office.

The Parliament, which was convened Fe-

* Hume's History of England, chap. xlix. † Ibid.



A TRVE PLATFORME AND MANNER OF THE SITTINGE

IN THE LOWER HOVSE OF PARLIAMENT

holden at the Citie of *Westminster* the Twelfth Day of February 1621, *Thomas Crew* Knight Sergeant at Law

Speaker in that Honourable ASSEMBLIE

With a Delinquent at the Bar

From a very scarce print (with a list) in the possession of Robert Greenhill Russell Esq. of Chequers Court

Published by John Murray London, 1861

bruary 12, 1623-4, gratified with the Spanish quarrel, and with the prospects which it opened, was of a more placable temper than those which had preceded it; and the Commons readily consented to make good the first expenses of the war, although stipulating for the abolition of all the most unpopular and burthensome monopolies, and remonstrating against the favour shown to Papists. It may be truly said to have been the most practically useful Parliament which met during this reign. Its proceedings against the Lord Treasurer Middlesex for gross and open bribery in the Treasury, and corruption in the Court of Wards, and the conclusion to which that trial was brought, were acts creditable to its industry and spirit; though it cannot fail to be seen that these proceedings were encouraged by Buckingham to increase his own influence, and not improbably too, as Middlesex himself insinuates in his defence, to punish him for standing in the way of some no less corrupt practices of his own. How prophetick had been Lord Bacon's warning to the Treasurer on his appointment, to 'remember ever that a Parliament will come!'

After passing more acts than ever a Parliament before had passed in one session, it came to a close on the 29th of May. The king prorogued it in good-humour, looking, as he expressed himself, to a meeting in the following year, 'which should make him 'greater and happier than any king ever was.'

The influence of the Duke of Buckingham over the Royal mind was now evidently on the decline, and charges were in preparation by many hands for the ensuing session; when, on the 27th of March, 1625, James closed by death his inglorious and oppressive reign.

The surmises concerning the manner of his death, vague as they were, and imperfectly supported by facts or probability, would be scarcely deserving of mention, had they not been urged in the three next Parliaments, and had they not in some sort influenced the measures which were, in consequence, pursued by Charles. The charge of poisoning was, in those times, a very ordinary way of accounting for so great a mystery as the unexpected death of any sovereign or other great person. That the death of James was caused by these means soon became the creed

of a party, and was supported by heated and uncandid reasonings. Nor, on the other hand, has it been more fairly dealt with by Lord Clarendon, who describes it as being 'without the least colour or ground, as appeared 'upon the strictest and most malicious examination that could be made.' It was early matter of parliamentary inquiry, but this inquiry was in every way impeded by the court. The story, indeed, vouched by Lilly, of the old Countess of Buckingham's poisoned plaister, requires a faith in the power of chemistry, as then understood, about as reasonable as that which the same learned writer exacts in behalf of dæmonology and the influence of the stars. Still there were circumstances which tended to strengthen the popular belief in the guilt of a favourite whom some who had openly opposed him might, at the renewal of his career of greatness, have thought it easier to destroy than to appease. James was shrewd enough to perceive that, in the management of the Spanish project, his wishes and feelings had been sacrificed by Buckingham to a passion for avenging upon the court of Spain

the manner in which a remarkable instance of his own vanity and insolence had been resented there*. Above all, by the only popular act of his life, the favourite had established over the mind and actions of the heir-apparent an influence of a sort which, among courtiers, is not always found to be a recommendation to the good-will of the reigning sovereign. The insinuations of the Spanish ambassador, Yniosa, (and Spanish influence had always acted as a spell upon James,) were not wanting to forward the expected ruin of Buckingham. In a note slipped into the king's hand at court, the Spaniard had the effrontery to tell him plainly that he was a dupe, and to desire him to dissolve his Par-

* The Lord Keeper (Bp. Williams) being asked by James his opinion of the prospects of the "Knights Errants' Pilgrimage," answered thus: 'Sir, if my Lord Marquis (Buckingham) will give honour to Conde Duke Olivarez, and remember he is the favourite of Spain, or if Olivarez will show honourable civility to my Lord Marquis, remembering he is the favourite of England, the wooing may be prosperous. But if my Lord Marquis should forget where he is, and not stoop to Olivarez, or if Olivarez, forgetting what guest he hath received with the Prince, bear himself hautily and like a Castilian to my Lord Marquis, the provocation may be dangerous to cross your Majestie's good intention, and I pray God that either one or both do not runn into that errour.'— Coke's Detection.

liament. James was naturally too timid, and too much subdued by circumstances, to repel this insolent interference. Yniosa's secretary was secretly introduced into the royal closet, and confirmed the impression. Buckingham was publickly slighted, and his intemperate and saucy remonstrance only so far daunted the wretched king as to make him betray to him, in return, the whole of the intrigue*. But all these causes, together with the impeachment of Middlesex, and the articles mutually exhibited by Bristol and Buckingham, (each appealing against the other as a misdemeanant, and, what was worse, a Papist,) and the ill reputation which the extortions of Buckingham had cast upon the prerogative and person of James, were fast ripening his jealousy into hate, and, according to most men's expectations, would have terminated in the disgrace of the favourite, but for the sudden death of the King. Nor could Buckingham have failed to see enough in his own position to convince him that the success of Bristol's charges, and the publick withdrawal of the Royal countenance, might, not impro-

* Rushworth.

bably, bring his life into hazard of being made a peace-offering between King and people. 'The King,' says Hacket*, 'closed with his 'parliament,' and, though irresolute to allow Bristol to be heard by the Lords, yet would sometimes declare, that 'if he had sent 'Williams into Spain with his son, he had 'kept heart's-ease and honour, both which 'he lacked.' Measures had already been taken, which indicated an approaching change of councils. Projects were announced for an extensive reform in the Exchequer, and in other offices of state; the acts and wishes of James were spoken of, not only in the court, but in Parliament also, as in contrast with those of his minister; and a state paper, inculpatory of the latter, was believed to be already drawn up in the shape of a minute to be laid before the Privy Council by the Royal command†. Thus had the King and the Minister been bidding against each other for

* Life of Archbishop Williams.

† In the mean while the Duke's cabal met at Wallingford house 'to consider what exploit the Duke should commence to be 'the darling of the Commons, and, as it were, to republicate his 'Lordship, and to be precious to those who had the vogue to be 'the chief lovers of their country.' It was determined to rest all

popularity; and, (as generally happens when a King condescends, by honourable means, or otherwise, to cultivate popularity,) he succeeded, and the minister failed. Finally, the unforeseen and rapid issue of the King's disorder, and the meddling boldness with which Buckingham proceeded, against a protest of the physicians, to administer nostrums, of which nobody but the countess knew the composition, and under which the malady was aggravated, gave some colour to the suspicions which were afterwards so plainly professed.

All that remains certain is this.—After evidence taken by a committee of the Commons, one of the articles against Buckingham is, that he officiously administered to the King certain drugs which had been prepared by the countess in the absence of the physicians; and the doing so was with great propriety declared 'a transcendant presumption of a 'dangerous consequence*.'

on the breach of the Spanish treaty which should be made to fall on the Duke's industry—Lord Conway then first made his appearance in publick life as a creature of Buckingham's, to arrange and forward the charges against Bristol.—Coke's Detection.

* Echard.

To this no answer was made, but a passionate protestation of the Duke's; and, on three several occasions, the Commons, declaring that they were 'ready to prove their 'charges against him, unless prevented,' were prevented by a dissolution.

PART THE SECOND.

From 1625 to 1628.

Accession of Charles the First—His Character—Appearance of a Reformation in the Manners of the Court—Renewal of arbitrary Measures—Project of the Popular Party for extending the Representation—Right of Election restored to several Boroughs—Hampden elected for Wendover—Two Subsidies granted—Votes of Censure and Enquiry—Further Supplies refused—Dissolution—Forced Loans—Ships lent to France to serve against the Huguenots—Failure of the Expedition to Cadiz, and Blockade of Dunkirk—Second Parliament—Buckingham impeached—Elected Chancellor of the University of Cambridge—Seizure of Members—Dissolution—Hampden imprisoned—Oppressive Imposts—Members released—A new Parliament—Petition of Right—Further attempts at Redress of Grievances—Activity and industry of Hampden—Prorogation—Merchants' Goods seized—Failure of the Expedition to Rochelle—Death of Buckingham—Failure of a second Expedition—Surrender of Rochelle.

PART THE SECOND.

From 1625 to 1628.

KING Charles's accession was hailed with all those tokens of affection and joy which seldom fail to accompany such an event, whatever may be the motives of hope in the prospect of the opening reign, or the recollections of that which has immediately preceded it.

Nor can this enthusiasm be always with justice referred to an unreflecting or a servile feeling. For, though sometimes, and to a certain extent, attributable to that sanguine love of change which is no uncommon vice in popular bodies, it may surely derive strength from another, and a far more reasonable, desire in the people, to place the new King upon good terms with themselves, by a spontaneous offer of good will and confidence, on their part, to begin the account. On this occasion many things seemed to

justify favourable expectations. There were doubtless in Charles eminent parts of disposition and address, such as could not but secure the affections of those whose office placed them near his person. If it be difficult to form a just estimate of his character, it is owing, certainly, in some measure to the singularly blended good and bad qualities which composed it, but still more to the opposite and raging passions of those writers, who, having lived through his stormy time, could not, in becoming its historians, cease to be partizans. By the one class he has been canonized as a martyr, and recommended as a model and mirror for sovereigns; and by the other, with as little truth, concluded to have been an unprincipled and heartless tyrant, without a virtue, and without an excuse. The testimony of Mr. Hume, the most distinguished among those writers who, not being contemporary, might have been expected to be impartial, is entirely discredited by the false colouring of many of his facts, and the total inconsistency with each other of some of his conclusions. On some of those subjects on which Mr. Hume suffered his passions to lead

him wide of the first moral duty of an historian, it is remarkable how frequently he may be brought into contrast with himself. For example, when speaking of the engagements entered into by Charles with his first Parliament; 'In this particular,' he observes, 'they 'had perhaps some reason to blame the 'King's conduct. He had promised to the 'last House of Commons a redress of this 'religious grievance: but he was apt, in imi-'tation of his father, to imagine that the 'Parliament, when they failed of supplying 'his necessities, had on their part freed him 'from the obligation of a strict performance*.' 'Yet,' says he in a subsequent part of his history of that reign, 'yet some historians 'have questioned his good faith; but for this 'reproach, the most malignant scrutiny of his 'conduct, which in every circumstance is now 'thoroughly known, affords not any reason-'able foundation. On the contrary, if we 'consider the extreme difficulties to which 'he was so frequently reduced, and compare 'the sincerity of his professions and declara-'tions, we shall avow that probity and honour

* Hume's Hist. Eng., chap. li.

'ought justly to be placed among his most 'shining qualities*.' Not much less questionable, though consistent at least with itself, is the judgment given by the writers of the Commonwealth side, and repeated by some later historians, who, strangely excited by the descending passions of long past times, can discover no virtue and no nobleness but in that party which stood for liberty. It is true that the character of Charles will be viewed with more or less indulgence, when measured by the standard of either of the conflicting principles, which, for two centuries, have distinguished in this country those persons who are specially lovers of the monarchical, from those whose leaning is towards the more popular, elements of the constitution. This is inevitable. But surely it would be weakness to be deterred by any fear of the advantages which intemperate persons may unfairly take of such admissions as truth and justice demand, from coming to a candid acknowledgement of the many high qualities, as of the one great vice and fatal error, of this unhappy sovereign. His education

* Hume's Hist. Eng. chap. lx.

had been of a mixed and dangerous sort. From the days of his preceptor Murray's rigid discipline, to those of the demoralizing influence of Villiers, he had ever been in the hands of successive factions; each busy to mould to its own purposes a prince whose views of the intent and duties of his office do not appear to have extended further than to the obligation of maintaining in full integrity for himself and his successors a power for the exercise of which he heartily believed that he was answerable only to heaven. Favourably to Charles's memory, his errors have been often entirely imputed to what in themselves are virtues; love for his wife, and tenacity of purpose in matters of publick duty. But the former seems never to have influenced him in state-matters, further than by exciting and confirming him in courses to which, independently of her counsels, he was ever too much inclined; nor the latter to have placed him above occasional recourse to unworthy compromises. The Queen's known aversion to Strafford did not deter Charles from adopting him for an adviser; nor a sense of personal or private duty from surrendering him

to the scaffold. His fondness for the Queen did not prevent him from making occasional concessions to a people whom she disliked, and to whom she would have fain persuaded him to concede nothing; nor did his tenacity of purpose check him from breaking engagements which every moral bond would have made inviolable. Though far from being true, as Mr. Hume asserts, that 'scarce any of his 'faults rose to that pitch as to merit the 'appellation of vices,' it may be truly said, that the spirit of the age in which it was his misfortune to be a King tended powerfully to bring them into activity, and that, even so, they were nearly balanced by great gifts of heart, of understanding, and of comportment, which have obtained for his memory a liberal measure of not only sympathy but respect. Resolute in danger, and temperate in his personal habits amidst the excesses of a luxurious nobility, his chief infirmity was an obstinacy of temper which expostulation could not persuade, nor experience correct, but which generally, as obstinacy often does, made him the dupe of some one favourite who knew how to practise adroitly upon it. His chief vice

was an insincerity, and distrust of his people, in which he had been confirmed by the evil counsels of Buckingham.

When the Spanish match was broken off, the Duke had, in a conference of the two Houses, made a long exposition, for which, says Lord Clarendon, 'he had not the least 'directions from the King, and a great part 'of which he knew to be untrue.' 'But yet,' says Rushworth, 'the Prince not only gave 'the testimony of his silence to these un-'truths, but, on its being reported to the 'House the same day, approved thereof there 'also.' And this in a matter not only tending to an untrue vindication of Buckingham, but also to an unjust impeachment of Bristol, and a general deception upon the country. The accusation of hardness of heart, urged against him by Lilly and Whitelocke, and grounded upon an allegation of his having remained an unmoved spectator of the sufferings of Prince Rupert's prisoners brought from Cirencester, 'many wounded, bound 'with cords, and in great misery;' on which occasion, according to the former of these writers, 'it was noted of some there present 'he rejoiced in their sad affliction,' is a

charge single of its kind, and hingeing upon minute and doubtful interpretations of his comportment on an occasion where, obviously, it was most liable to misrepresentation. There appears to be no other instance to countenance the notion that wanton cruelty ever stained a character strongly marked as his was by warm and tender feelings in private life. These in Charles are qualities so generally acknowledged as to lead at once to what appears to be the fair conclusion—that whenever he departed, as it must be admitted he often did, from the plainest laws of moderation and publick honesty,—sometimes even entering upon negociations, as may be shown, with a previous purpose to deceive,—it was owing to the mastery which the superstition of Divine Right had obtained over a judgment which, if not the most vigorous, was at least not swayed, like his father's, by any base or vulgar passions. Without any great depth of learning or research, his attainments as a scholar were above the ordinary rate, and he was well stored with general information. He was gifted with eloquence and dignity, both in speaking and writing. We are told that he

took great pains in amending with his own hand the wording of such state-papers as his ministers laid before him for approbation, many of which, drawn up by the masterly pens of Falkland and of Hyde, came improved from under the corrections of his accurate taste, and the infusions of his flowing style. Accomplished as well in bodily graces and exercises as in those of his mind, and with a spirit strongly imbued with something chivalrous and heroick, he appears to have possessed every requisite of a perfect gentleman, except the most important,—Truth, and Good Faith. And he failed in these, because he had persuaded himself that they were not among the publick duties of a Sovereign whose prerogative was in dispute.

As Charles's temperance formed a favourable contrast with the shameful vices of his predecessor, it was regarded as a presage of better times. A rapid change was wrought in the manners of the courtiers. Arts, and the more liberal sort of Literature were protected and advanced. And, although Lord Carnarvon, a few years after, in a well-known letter to his wife, gives a somewhat

astounding description of the topicks which were still allowed to prevail in the presence-chamber, Mrs. Hutchinson, (no indulgent judge of kings and courts,) bears her testimony to the discountenance which, for a time, was given to licentiousness within the precincts of the royal palace. But Charles and his people began by mistaking each other. The people, long used to see arbitrary sovereignty in a shape which could inspire only mockery and disgust, expected, from the grave and imposing demeanour of their new King, a disposition to respect the rights of the Commons, and support them. Charles, on his part, hoped, from the general piety of the people, that they would be easily led to recognize and revere an extent of authority, for which he thought that he found unquestionable warranty in the Word of God; 'since,' as his Father early stated it, 'kings are in the 'Word of God itself called Gods, as being His 'lieutenants and vicegerents on earth, and so adorned and furnished with some sparkles 'of the Divinity*.' The people knew not

* James I.'s speech on opening his Parliament, 1604.—Parliamentary Hist.

the despotick temper of their King, and the King knew not the mounting spirit of his people; and each was soon resolved to put to trial a power of which neither had ascertained the exact and due limits.

Pretensions, the most unpromising to liberty and to general concord, had already shown themselves; and, at the coronation, an attempt was made by Laud, then Bishop of Bath and Wells, officiating as Dean of Westminster, to alter the form of engagement pronounced by the King. Endeavours were made to reconcile the country to the omission of a phrase, 'quas vulgus elegerit (leges),*' acknowledging the legislative power of Parliaments, and to the insertion of another, which hinted at a dispensing power in the Crown, 'salvo 'prerogativo regali †.' During the issuing of the writs for the first Parliament, money was raised through a compulsory purchase of knighthoods; and a levy of three thousand soldiers was ordered by royal warrant and proclamation. Coat and conduct-money was at the same time required from the counties; and martial law was enforced among the new

* Rushworth. † Rapin.

troops, who thus were separated from the body of the people, and taken from under the controul of the common law of the realm. Certain prelates, and other clergymen, were advanced into favour and promoted, who had been censured by former Parliaments for preaching in favour of the late King's arbitrary measures, and for maintaining that his will had the force and virtue of law. The obnoxious favourite was retained in the chief administration of affairs; and, in defiance of the wishes of the nation, the King concluded a marriage with a Princess bred up in the persecuting doctrines of the French court, and, as was soon believed, too little scrupulous in all matters of conduct except those which related to the rites of a religion, to which she was bigoted, and the English people deeply and passionately opposed. The impolicy of this match was aggravated by this circumstance—that every indulgence in her religious observances, so justly the right of all, but so peculiarly due to the wife and daughter of a King, was in direct breach of the law. According to the secret article in the marriage-treaty, to which, in order to obtain the Pope's dispensation for Henrietta,

Charles had bound himself by oath, it was stipulated that her household should be composed entirely of Roman Catholicks. Such of these as were French, it was provided, should be irremoveable; and such as were English, were, contrary to law, to be protected in the ostentatious profession and exercise of their faith *. A singular instance of an article, bargaining, on the part of a foreign state, for the suspension of statutes affecting the condition of our own subjects. Several of these persons were raised to offices of high authority and trust; and, at great charge, and with still greater publick scandal, a splendid chapel was fitted up at Somerset House. Then, for the first time since the reign of Mary, an English Queen was seen passing in pomp through the streets of London to the abomination, as it was termed, of the mass. Thus, proscribed equally by publick opinion and by the law, but advanced and favoured at Court in opposition to both, it is not to be wondered at that the Roman Catholicks of England openly boasted that their religion was, through the

* Bassompierre.—Rushworth.

influence of the Queen, to be re-established; or that Bossuet should have recorded that intention, and the view which was taken of its final success, amongst the topicks of his immortal panegyrick pronounced upon her memory*.

As for the politicks of the Roman Catholicks, it was natural that they should be undividedly for absolute monarchy. They had nothing but oppression to expect from Parliament or people. Their only hope was in the Court, and the only chance for that Court becoming strong enough to befriend their cause, consisted in its power being rendered absolute. Charles began, on his part, openly to countenance the revival of the terms 'courtier' and 'precisian,' as signifying the being in his favour, or opposed to his government.

By such unwise and unwarrantable affronts to publick feeling, the favourable expectations, at first so eagerly indulged, were gradually dispelled. The people were dismayed. Their affections, so willingly and warmly tendered to the young King, were chilled, and even before his first Parliament was

* Oraison Funèbre.

opened, they saw, with mortification and disgust, the system of his subsequent government revealed. His foreign policy, however, at the outset promised better. He began his reign by entirely occupying the publick attention with the cause of the Elector Palatine, to which the country had been always so well affected; thereby involving the Parliament in engagements of supply upon a large scale, which he might have calculated upon its afterwards finding some difficulty in reducing. Although it is unquestionable that war is the position in which a nation is the most easily familiarized with arbitrary measures and a suspension of its free customs and privileges, it is, notwithstanding, no less true that war affords to the people increased means of obtaining terms for publick liberty by making their own conditions of supply. It appears as if the English Court, well aware of the first of these obvious truths, had been altogether inattentive to the second, until taught by an experience which came too late to warn the obstinacy of Charles, or controul the violence of his Minister.

In the first Parliament of this reign, which

met in June, 1625, Hampden again took his seat. He was now elected for the borough of Wendover, a town in the neighbourhood of his paternal estates, which had just before recovered from the Crown its custom of returning members. This privilege had lately been restored to certain boroughs, which in early times had claimed and exercised it, but to which, for several reigns, writs had ceased to be directed. The immediate motives of those persons, by whose efforts a series of measures of this sort was undertaken for extending a share of the representation to such classes of the people as might be the least likely to fall under the influence of the Court, and the most disposed to favour the interests and strengthen the hands of the country party,—the manner in which these measures were accomplished, and the success which followed them,—form an interesting part of the history of those times, and of the party with which Hampden had connected himself. If not the projector of this scheme for the furtherance of the publick cause in Parliament, he was one of the first, by his sagacity, to become aware of its importance,

and, by his industry and address, to bring it to a successful issue. And this was the earliest of those measures which he had the power (according to Lord Clarendon's words) to 'contrive,' to 'persuade,' and to 'execute,' in the great struggle for liberty. It was his fortune also to adorn this triumph in his own person, as representative of one of the places for which he had obtained the restoration of the privilege of popular election; thus fulfilling, in all its parts, a metaphor quaintly applied by an old English writer to an achievement, in its consequences, much less important—'Primus inter eos qui communi 'prælio in libertatem spiraverint, hoc, quasi 'præsidium libertatis, sopitum excitavit, ex-'citatum reparavit, reparatum decoravit*.'

We have already seen how, under the reign of James, the Court had become aware that, through a necessity imposed by the course of events, the epoch of simple, undisguised despotism was drawing near to its end in England; and that, thenceforward, the Sovereign could hope to be absolute only by influencing the elections and managing the

* W. de Malmsbury—De Gest. Reg. Angliæ.

Parliament. We have seen that expedients for influencing elections had been attempted by King James, through the instrumentality of persons then known by the name of Undertakers, who, having possessed themselves of means of local influence, offered their services to the Court to procure favourable returns. That these had been to a great degree successful, we find admitted by Mr. Hume, and proved by the active remonstrances of the country party against the Undertakers. It being plain, then, that the House of Commons was the contested ground on which Liberty or Absolute Prerogative was ultimately to prevail, the first step for the friends of freedom, (necessarily the first in order, and manifestly the first in importance,) was to gain a hold, stronger than that which the Court possessed, over so powerful an engine. This could only be done by securing an additional infusion of popular representation. But the object of such a measure was likely to be so soon detected by some of those persons who had lately attached themselves to the Court, that it was essential to its success that its progress should

be discreetly urged, and effectually disguised. It was determined, then, that several boroughs, by which returns had anciently been made to Parliament, should petition for the restitution of that right, which had fallen into disuse. The practice of restoring old rights of election, and of creating new ones, had been exercised by the Crown on particular occasions ever since the reign of Henry VIII. That Monarch had, in several instances, restored the privilege, or rather reimposed the charge, of representation. For, in old times, when members received their wages for service, we often find boroughs petitioning against the obligation of sending representatives to Parliament*. Indeed, the writs being, in all cases, so worded, as to require the sheriffs to cause members to be returned for all the cities and boroughs within their bailiwick, it was in a great degree left to the discretion of the sheriff to confer that right, or impose that burthen, upon whichever of such cities and boroughs he might choose. It appearing to Henry VIII. that several elections had terminated unfavourably to the

* Willis's Notitia Parliamentaria.

views of the Court, he resolved to strengthen his hands in Parliament; and, in a spirit of moderation unusual to a sovereign by whom the most direct and summary course to the fulfilment of his pleasure was generally esteemed the best, he, for the time, contented himself with ordering that writs should be addressed to twenty boroughs, nineteen of which had never before returned members, and in the twentieth of which the practice had fallen into disuse. But now, when the extension of the representation became likely, from a change in the spirit of the times, to be favourable to liberty, the country party conceived the project of retaliating this expedient upon the Crown, and of endeavouring, for the sake of increasing their influence in the House of Commons, to increase the number of popular elections. During the reign of Elizabeth, the journals furnish several instances of the Commons having begun, of their own authority, to decide upon disputed elections. The number of controverted returns had now vastly increased; and, at the instance of the country party, it came to pass, that the decision was referred to a grand committee of privileges.

This was the famous committee generally known since by the name of Serjeant Glanville's Committee, that eminent person having been its chairman. Among its members were some of the ablest and most learned of that age of able and learned men, such as Selden, St. John, Pym, Coke, &c. The cases first presented were those of returns made by boroughs, which did not bear any connexion with persons of the country party, and the names of which gave little alarm to the jealousies of the Court. Nor were such persons seen as movers in any of the petitions. The committee first decided on some unsuspected cases of contested returns for the counties of Norfolk and Cambridge, and the boroughs of Southwark, Stafford, Arundel, Winchelsea, Chippenham, Dover, and Newcastle-under-Line*. In the last four cases the question had turned upon the rights of voting. It was then felt that some system or outline of the legal right of voting ought to be laid down; and in this spirit was drawn up the report of that renowned committee. But, in the course of its labours, another and a separate class of

* Glanville's Reports.

cases arose, and was to be decided upon by the committee—namely, cases in which the custom of returning members had fallen into disuse. In this latter class were those of Marlow, Amersham, and Wendover, whose petitions were argued and managed by Hakewill, of Lincoln's Inn, a shrewd and industrious lawyer, who had served in the last Parliament, but, till then, with no very eminent reputation for ability. These places set forth, in their prayer to the House, that 'they were 'ancient parliamentary boroughs by prescrip-'tion, and ought thereby and of right to send 'burgesses to Parliament;' and Sir Edwin Sandys, say the Journals, 'speaketh for Pom-'fret*.' In all these cases, of both the classes, it is to be observed that the tendency was to enlarge the basis of the representation. In the first class, in which the rights of the rated inhabitants had been usurped by the select corporators, and in the second, in which the custom of making returns had entirely lapsed, the restored franchise was equally to be vested in the hands of the 'Populacy.' The cases of the three Buckinghamshire boroughs, there

* Commons Journals.

is little reason to doubt, were in reality drawn up and put forward by Hampden, although ostensibly managed by Hakewill. This is all the more probable from its appearing, from Hampden's correspondence, that Hakewill had before been frequently employed by him to conduct suits and arbitrations for him, respecting his property in that county. In consequence of these petitions, Noy and Selden were ordered to make search in the records, and the committee reported that all four had the right, and ought to be admitted accordingly; furthermore declaring it to be 'the ancient privilege and power of the Com-'mons in Parliament to examine the validity 'of elections and returns concerning this 'House and Assembly;' in opposition to the former decision of James, that they should be judged in Chancery. Whether Hakewill was aware or not of the full extent of the object for which he was working does not appear. It seems, at all events, probable, that the greater number of the opposite party were not; and that those who were, did not at the beginning think it prudent to give the alarm. King James, however, had shrewdness enough

to detect the tendency of this measure; and, accordingly, notice thereof being given to him, he stated his unwillingness to have the number of the burgesses increased, 'declaring,' says Glanville, 'he was troubled with too 'great a number already, and commanded his 'then solicitor, Sir Robert Heath, being of 'the House of Commons, to oppose it what 'he might; and most of the courtiers then of 'the House, understanding the King's inclina-'tions, did their utmost endeavours to cross 'it*.' The report nevertheless was, in the end, confirmed by the House. 'Whereupon,' says Glanville, 'a warrant under the Speaker's 'hand was made to the clerk of the Crown 'in the Chancery, for the making of such 'a writ, which was issued out accordingly. 'And therefore were elected and returned to 'serve in the same Parliament, for Amers-'ham, Mr. Hakewill and Mr. John Crew; for 'Wendover, Mr. John Hampden (who beareth 'the charge) and Sir Alexander Denton; for 'Marlow, Mr. H. Burlace and Mr. Cotton†.' The last of these was nephew of the famous Sir Robert Cotton, one of the members of the

* Glanville's Reports. † Ibid.

Committee; and all of them, besides a very great majority of those persons who came into Parliament for the other places to which the new writs were directed, were of the same principles and opinions.

This was the first decisive and notable advantage gained by this party against the power of the Crown. But a long and difficult course lay before them: beset with dangers, obstructed by difficulties of all sorts, and requiring the utmost discretion both as to the manner and order in which the different parts of the great scheme should be made to go forward.

In February, 1625-6, upon a repetition of the King's demand for supplies, the house went up with an address, respectfully and cautiously worded, promising supplies, but pointing to redress of grievances. To this the King's answer was intemperate and threatening. The house, however, kept its engagement; but, after a ready grant of two subsidies, was proceeding to votes of inquiry and censure, when, the plague having broken out in London, the session was removed to Oxford. Again the illegal loans and imposts

levied oy the Privy Council, and by the inferior courts, became matter of remonstrance, and, the house refusing, notwithstanding the most urgent instances, to grant any further supply, until after the grievances should have been redressed, and passing to the charges against Buckingham, was hastily dissolved by commission, on the 12th of August, before any measure of publick relief had been accomplished for the country, or the Act of Subsidies carried through for the Crown*.

Besides the two modes already mentioned, of raising money without the counsel or consent of Parliament, was that of the Monopolies, which were suddenly and vastly extended. They had been instituted by our early kings to protect the subject from combinations in trade; a scheme weak and ineffectual for that purpose, as giving to one person a controul over prices which would have been more safely left to be regulated by the conflicting interests of many. Elizabeth had, in some instances, made it a provision for favourites, and this abuse had been greatly en-

* Rapin.—Parliamentary History.—Rushworth.—May.—Ludlow's Letters.—Willis, Not. Parl.

creased by James. It was Charles who first made it a project for publick revenue also.

The niggardliness of this first Parliament is always matter of animadversion with those writers who labour to seek out the best vindication for Charles's government, and is urged as an important part of the case to prove that the animosities of this reign began in the jealousies of the Commons, and not in the violences of the King. In the zeal with which Mr. Hume undertakes this charge he entirely overlooks a sufficiently plain motive of their conduct in this first session. During the last reign, Parliaments had been accustomed to find themselves suddenly dissolved while questions of grievance were pending; and the universal belief, that Charles, unless checked by his necessities, would not scruple, by the old method, again to save his favourite from impeachment, was, not long after, justified by the event. For in truth this Parliament was suffered to last only until every condition for obtaining a further supply, except that of a general redress of grievances, had been found to fail. And then it was dissolved.—This is a fact which, obvious as it is, Mr. Hume care-

fully avoids, and would have the smallness of the supply to be attributed only to a wanton and insolent spirit in the Parliament; a spirit which, according to him, did not admit of any justification, and (what is still more singular) cannot be accounted for by any motive of either policy or passion*. This dissolution was instantly followed by forced loans for the carrying on of the Spanish war; a war which Mr. Hume says, truly, had been very loudly called for by both Parliament and people, but in the conduct of which he untruly accuses them of having been variable and fickle. Neither Parliament nor people complain of the prosecution of the Spanish war, but of the Minister who conducted it, and of the use which they apprehended, (not unjustly as it appeared,) would be made of it for illegal levies of money. Lord Bolingbroke's few words contain a sufficient solution of their jealousies on this matter. 'The Parliament 'saw that the war was conducted by wrong 'hands. They saw English ships lent to the 'French King in order to destroy the pro-'testants of his kingdom, and, consequently,

* See Sidney State Papers, ii. p. 360—363.

'they had little hopes that the palatinate (the 'chief object of the war) would be restored, '(at least on the ground which alone made 'the elector's cause a national cause for Eng- 'land,) by the efforts of a ministry which con- 'cerned itself so little for the welfare of the 'Protestant interest elsewhere*.'

Relieved by this dissolution from all parliamentary controul, the King now first openly assumed the power of dispensing with the laws. Letters were issued by order of council under the privy seal, requiring loans from private persons, generally those who were connected by blood or interest with the leaders of the popular party, who, on refusal or delay, were struck out of the commissions of Lieutenancy and of the peace†.

* Craftsman.

† One of these requisitions is in the manuscript collection at Stowe. It is addressed to Sir William Andrews of Lathbury in Buckinghamshire, then a tenant of John Hampden's, and afterwards one of the Deputy Lieutenants for that county under the Parliament, and requires a loan of twenty pounds, 'for divers 'publique services, which, without manifold inconveniences to us 'and our kingdomes, cannot be deferred.' It appears that for these contributions, exacted with the utmost severity and injustice, collectors were appointed, whose acquittance should be a sufficient warrant for repayment in eighteen months. But it appears also,

In furtherance of the confederacy which had been ratified with France, Denmark, and the United Provinces, against the House of Austria, a ship of the line, and seven other armed ships borrowed from merchants, were lent by the English Government to the French, under pretence of investing Genoa, then the bank of Spain. The country watched this process with suspicion. And soon were its suspicions justified, when its ships were seen joining in the siege of the Protestant town of Rochelle*. In the mean while the main fleet of England was defeated in an ill-

(unless Sir William Andrews's case were an exception,) that these loans were never repaid. For his acquittance remains appended to the requisition.

* Admiral Pennington, who commanded this squadron, with true English feeling remonstrated. His was a hard position. He commanded the ship and led the fleet of his sovereign. But he had been sent forth, amid the acclamations of his country, to give effect to a generous treaty with the oppressed and the besieged. He had no sooner arrived at his destination than he found himself under secret orders to put himself under a foreign command in a murderous warfare against English honour and the Protestant religion. A copy of his high-minded protest, and the original orders from Buckingham and from Charles himself still remain among Lord St. Germain's papers. They were probably sent to Sir John Eliot by Pennington as his vindication before the Parliament of his offended country†.

† See Appendix A.

conducted enterprise against Cadiz, and the allied squadron, employed in blockading Dunkirk, were dispersed by a storm. Whilst the impression of these disasters was fresh, the King called another Parliament, but not till after he had endeavoured to render some of his prominent opponents, Sir Edward Coke, Sir T. Wentworth, and others, ineligible, by suddenly appointing them sheriffs in their several countries.

In this Parliament, which met at Westminster on the 6th of February, Hampden was again returned for Wendover; and on the 28th of March we find him named on various committees. No time was lost in renewing the consideration of grievances, and again a resolution of supply was passed, on the condition of speedy and effectual redress*. In vain did the King use every means of personal remonstrance and intimidation to deter the members from proceeding to arraign the Duke of Buckingham. It was not without reason that they pointed to the Duke as to the high delinquent whose credit at court stood between the King and his Parliament. Nor

* Commons' Journals.—Rushworth.—May.—Ludlow's Letters.

had the Duke on his part less cause to feel, that his objects, not only of ambition, but of safety also, demanded an entire surrender by the House of Commons of all its inquisitorial power. This he endeavoured to effect by the utmost contumacy to the house and to its privileges, in the person of Serjeant Glanville, who had been appointed to draw up the articles of charge against him, and whom he openly insulted in his place*. To bring this struggle to an issue, the Commons, on the 8th of May, impeached the Duke, at the bar of the Lords, of high crimes and misdemeanours; and, having first prayed that he be removed from the royal presence pending impeachment, proceeded to support their prayer by a spirited remonstrance; when the King, alarmed at their increasing boldness, hastily dissolved them by commission, June 15th, in little more than four months from their first meeting, and again before one of their acts was complete.

In the early part of the proceedings against the Duke, Sir Dudley Digges, and Sir John Eliot, (of whose incorruptible patriotism and

* Ellis's Original Letters.

steady friendship for Hampden we shall hereafter have occasion to make mention,) having delivered some sharp speeches in favour of the impeachment, were called out of the house by a message to attend his Majesty, and were then forthwith taken into custody and conveyed by water to the Tower under a charge of treason*. It is doubtful whether the immediate cause of this monstrous outrage be to be found in their having supported the impeachment, (as stated by Rushworth,) or to some phrases of very small importance charged against them in the original informations which are preserved in the manuscript library at Lambeth Palace. But, notice of the proceeding having been given to the house, there was an instant and tumultuous cry to adjourn. In vain did Pym endeavour to restore temper and moderation. The house broke up in confusion and did not sit next day. Some days after, the subject was renewed in both houses, in the shape of a motion for an address of remonstrance; and the Commons protesting that the words charged against

* Parl. Hist.—Willis' Not. Parl.—Commons' Journal.—Rushworth.

their members had not been used, Charles made a speech to the Lords, in which he declared that, touching the matters against the Duke of Buckingham, 'he could himself be a 'witness to clear him in every one of them;'—thus endeavouring to force the Lords into a dilemma; either to acquit Buckingham or to convict against the King's proffered evidence. A new proof was now given of the headstrong obstinacy of the King, and of his determination at all hazards to support his favourite. The Chancellorship of the University of Cambridge having fallen vacant, the King, by message, through Bishop Laud and Bishop Neile, desired the convocation to elect the Duke. Every entreaty to postpone the election, at least until after the event of the impeachment should be known, was resisted. 'My Lord Bishop,' says Mr. Mead, in a letter describing that election, 'labours. 'Mr. Madon (my Lord Duke's secretary) 'labours for his Lord. Mr. Cosins for the 'most true patron of the clergy and of scho-'lars. Masters belabour their fellows. Dr. 'Maw sends for his, one by one, to persuade 'them, some twice over. . . . . Divers in

'town got hackneys, and fled, to avoid im-
'portunity. Many, some whole colledges,
'were gotten, by their fearful masters, the
'bishop, and others, to suspend, who other-
'wise were resolved against the Duke, and
'kept awaye with much indignation*.' In the end he was elected by a majority of three votes, over Lord Andover, (afterwards Berkshire,) who had been hastily set up to contest it with him. The exasperation produced in Parliament by this proceeding was rendered still more violent by a formal letter of approbation addressed, under the royal signet, to the university, 'for that, upon our pleasure
'intimated unto you by the Bishop of Dur-
'ham, for the choice of your Chancellour, you
'have, with such a duty as We expected,
'highly satisfied Us in your election, &c.†' To complete this desperate measure of irritation, when the House of Commons, after a stormy debate, sent to crave audience of his Majesty, 'about serious business concerning
'all the Commons of the land,' the King returned for answer that they should hear from him on the next day; and, on the next

* Ellis's Original Letters. † Id. Appendix III.

day, they were indeed summoned,—not for audience, but for dissolution.

During the last week of this Parliament, besides the seizure of Digges and Eliot, other arrests had taken place, and commitments *per ipsum Regem.* Among the persons who were committed to close custody was Sir Thomas Wentworth—a man ever remarkable for his large share in the toils, the fame, and the sufferings, of the troubled times through which he lived; but far more renowned for his zeal, ability, and courage, when enlisted in the battle against liberty, than while those qualities were employed in her defence, and lastly and most for the way in which he met his fate at the hands of the party among which his name now stood prominent and high. Sir Thomas Darnell, Sir John Corbett, Sir Walter Earl, Sir John Heveringham, and Sir Edward Hampden, having been brought by writ of Habeas Corpus into the Court of King's Bench, took exceptions by counsel to the return, as not declaring the cause of commitment, and prayed to be discharged. But the court 'maintaining,' says Whitelocke, 'in opposition to Magna Charta

'and six statutes, the validity of the return,' they were remanded to prison.

The selection of certain eminent persons at the close of each Parliament, to expiate to the Court their opposition to its measures, had been a course adopted, though with doubtful success, three times before. Now for the first time John Hampden was considered to be of sufficient publick importance to be ranked among its victims. When the King, in pursuance of his threat to resort to new modes of raising supplies, required a general loan equal to the last assessment for a subsidy, (in the raising of which it was announced that persuasion, if ineffectual, was to be only the forerunner of force,) Hampden resolutely refused his part; and on being asked why he would not contribute to the King's necessities, made this bold and remarkable reply*. 'That he could be content to lend, as well as 'others, but feared to draw upon himself that 'curse in Magna Charta which should be 'read twice a year against those who infringe 'it.' The privy council, not being satisfied with his own recognizance to appear at the

* Rushworth.—Whitelocke.

board, although answerable with a landed property nearly the largest possessed by any commoner of England, committed him to a close and rigorous imprisonment in the Gate-house. Being again brought before the council, and persisting in his first refusal, he was sent in custody, although a mitigated one, into Hampshire.

The war, which about this time was suddenly declared against France, is one of those great publick events, for which history, in recording them, fails to assign any sufficient cause or motive. By it this country, which for nearly twenty years had been engaged in an active struggle with the great Catholick power of Europe, (a war justified only by the objects of the Protestant league,) at the very crisis of failure and distress broke up that league; and not for the purpose of peace, which she so much needed, but, remaining at war with the one great state, to embroil herself ruinously and as it seems without provocation, with the other. It is difficult to feel satisfied with the ordinary solution of this question, namely that this war arose from the resentment with which Buckingham is said to have menaced the

French Queen in consequence of her repelling his presumptuous proposals of love. And yet it is not very easy for one who would refer the acts of men to their ordinary motives to assign any other. It had been the unvarying policy of Henry IV. to balance France and the Protestant North of Germany against the gigantick force of Austria joined with Spain, as it was afterwards the endeavour of Retz in the thirty years' war to restore that connexion by treaty with Sweden. The reformation, out of which all the great events of the preceding half century in Germany, Spain, France, and Holland, may be said to have arisen, had bound up Sweden and Denmark with the Protestant league of Europe. So strangely had the previous dissensions of the world, beginning in spiritual hate, yet tended to cement the political relations of states which differed in their religious creeds.

This rupture was not caused nor hastened by the French King's persecution of his Protestant subjects: for in that object, as we have seen, he was assisted by a fleet furnished by Protestant England. Nor does it appear that France had failed in her part of the

engagement with the combined powers against Spain. Richelieu was too crafty to furnish this pretext for war. The motives of this double contest, so manifestly destructive of what, through so many years and so many disasters, had been held to be English policy, is a problem with which no historian has fairly grappled, and which Mr. Hume has entirely passed over; apparently because he found himself incapable of solving it in any way which would not necessarily involve Charles in the heavy charge which this act leaves upon the memory of Buckingham's administration.

As the court proceeded, at home, with less reserve to violate the law, it evinced more ingenuity in varying its modes. The duties of tonnage and poundage, (the revenue of the customs,) were raised by order of council. The sea-ports and maritime counties were required to furnish ships duly manned and equipped, and benevolences were unsparingly exacted. Commissions were issued to the lieutenants of counties, on pretence of an expected attempt at invasion, to muster and array the people, and to put the country at

discretion under Martial Law*. Soldiers were billeted on the houses of such persons as had expressed opinions against the Court, and the greatest disorders were countenanced among the troops. Those proprietors in the maritime districts who, to escape these excesses, had retired into the interior, were required to return and reside on their estates. Nor was any class low enough to avoid the sweeping hardships of this tyranny. Those of the poorer sort who exclaimed against the impositions, or had rendered themselves obnoxious on private grounds to any of the local authorities, were impressed for the navy, or sent to join the army abroad. The people were taunted under these oppressions by the preachings of the Court Divines. Bishop Williams, learned, and benevolent, but one of the worst of politicians, had been driven by the jealousy and ingratitude of Laud to abandon in disgust the courtly game which he had long played with great assiduity but without success. He had now begun to find himself classed among the marked victims of

* Rushworth—Ludlow's Letters.—Weekly Account, No. I., July 3-4, 1643. Dugdale.—Noble's Memoirs of the House of Cromwell.

persecution, but without reverence or even credit. The venerable George Abbott, Archbishop of Canterbury, who, alone among the prelates since the death of Bishop Andrews, had endeavoured, though bred at Court and attached to the person of the Sovereign, to stem the tide down which others were content to glide into favour and promotion, was suspended from his functions for refusing to license a sermon in support of unqualified prerogative*.

But, after the failure of the Duke of Buckingham's second expedition against the Isle of Rhé, when the revenue was still found failing, a new Parliament was summoned, and an attempt at temporary conciliation was unskilfully and ineffectually made by Charles†. Warrants were issued for the release of those persons who had been imprisoned for refusing to contribute to the last loan. Seventy-seven persons of various conditions, of whom Hampden was one, were set at liberty under one order of the council board‡. No submission was required on the one hand to satisfy the lofty claims of the Crown, and, on the other,

* Rushworth.—Whitelocke. † Rushworth. ‡ See Appendix B.

no indemnity or explanation was offered to reconcile the sufferers, who now, upon their enlargement, were hailed by the country as the champions of triumphant privilege. Being, for the most part, men of fortune and local importance, they were almost unanimously returned, upon the writs for new elections.

The court, having thus added to the popularity of its opponents, and restored them to their functions, now renewed the ill-advised course, which, during the former Parliament, had united both houses in opposition to it. Former supplies had been raised during the suspension of Parliament. New ones were now attempted against its consent. A commission was made out under the great seal for the levying of money by way of excise; and, to provide, as it appeared, against all further resistance, thirty thousand pounds were sent into the low countries for the raising of a body of one thousand foreign cavalry, and for the purchasing of arms and accoutrements for horse and foot*. At the opening of the session, March 17, 1627-8, not only the state of publick affairs, but the feel-

* Rushworth. Whitelocke. Warwick's Memoirs.

ings with which Parliament was known to have met, rendered it's first step subject of very anxious and fearful expectation. Nor was that assembly composed of materials easy to be dealt with. Many of its principal members had been imprisoned under the King's own commitment. They had in their own persons protested, and they had been supported by the joint protest of both houses, against the imprisonment which they had suffered; and now, by the manner of their liberation, they were left with the two most important matters, controul over the supplies, and liberty of speech itself, undecided, and in flagrant dispute between themselves and the sovereign. It was absolutely necessary to the coexistence of a Parliament with monarchy, that these matters should be brought to a final and immediate settlement. If the remembrance of recent persecution made it difficult for the popular party, it was no less than impossible for Charles, with Buckingham as his minister, to come to such a settlement with a disposition to render it effectual. To what Charles's views really tended, or on what calculation he could have built his hopes of

final triumph, is not easy to comprehend. Yet the first measures of the Parliament, considering the temper in which they met, and their determination to maintain the ground which the last Parliament had taken, were conceived in a spirit of moderation. They passed over, without discussion, (because they could not have discussed without violence,) the King's menace of 'resorting to 'those other means which God had placed in 'his hands if the House of Commons should 'not afford a speedy relief to his necessities. They resumed the old questions of grievances, aggravated by the late transactions, and, after much discussion in the house and in committees, their complaints were embodied by Sir Edward Coke and Selden, in the renowned Petition of Right. Sir Robert Heath the Attorney General, having, on the first discussion, treated some of their precedents for the ancient liberties of England slightingly, Coke replied, restating them, and declaring in the full confidence of his powers and his cause, that 'it was not under Mr. Attorney's 'cap to answer any one of these arguments.' By many artifices, and abundant assurances,

such as before he had never condescended to, did Charles now endeavour to divert them from the completion of this great work. Nor were the Houses themselves at first agreed. The Lords had sent down propositions to justify imprisonments during pleasure by warrant of the Council, under pretence of state necessity. To soften this to the Commons, the new Lord Keeper assured them that His Majesty held the statute of Magna Charta, and the six others passed for the liberty of the subject, to be all in force; that he would maintain all his subjects in the just freedom of their persons and safety of their estates; that he would govern them according to the laws and statutes of the realm; and that they should find as much security in his Majesty's royal word as in the strength of any law they could make*. The Commons, however, persisting, Mr. Secretary Cook, the feeblest old man that ever was employed as an instrument of violent designs, brought down a message, desiring to know whether the House would rest on the

* Rushworth.—Parliamentary History.—Whitelocke.

royal word as declared to them by the Lord Keeper. Pym's answer was conceived with great presence of mind, and consummate address and moderation. 'We have his Ma-'jesty's coronation oath to maintain the laws 'of England. What need we then to take 'his word?' The Commons, however, being pressed to return a reply through their Speaker, answered that, 'as there had been a publick 'violation of the laws and the subject's liber-'ties, they would have a publick remedy.' The King then declared by letter to the House of Lords, that 'without the overthrow 'of sovereignty, he could not suffer the power 'of general commitment to be questioned;' and the Lords were for adding to the bill a saving clause in general terms for the sovereign power. Again, however, the Commons, declining to discuss the value of those promises, (which they could not have questioned without insult to the person of the King,) pressed the measure steadily forward. To recede or to pause, would have been to surrender the only barrier that remained in defence of publick liberty.

Accordingly, after a conference with the

Lords, June 2, 1628, the Petition of Right was read a third time in that House, and agreed to. The King's answer was irresolute and evasive. At length the royal assent was given. But the Commons, not satisfied with this reluctant concession, though they instantly passed the bill of five subsidies, the largest grant ever, till then, given by Parliament to an English sovereign, and which they had held out as a lure for his compliance, persevered in their purpose of complete redress. They had already impeached Dr. Mainwaring for preaching against the authority of Parliament and asserting the vested right of the crown over the property of it's subjects; and they now obliged the King to cancel the illegal commission of excise*. They also returned to their charges against the Duke of Buckingham, earnestly requiring that he should be removed from his Majesty's Counsels†. They were now entering on a second remonstrance against the claim of tonnage and poundage, which had continued to be exacted in defiance of the Petition of Right, when the King went hastily to the House of Lords, June 26, and, after giving

* Rushworth.—Whitelocke. † Parl. Hist.

the royal assent in person to the bill of subsidies, prorogued the Parliament to the 20th of October. On the next day, he ordered all the proceedings which, to propitiate Parliament, he had instituted in the Star Chamber against the Duke of Buckingham, to be struck off the file.

By the part which Hampden had taken in resisting these arbitrary measures, and particularly the forced loan, and by his sufferings in consequence of it, he had now become more generally known and more prominently advanced in the House of Commons, in which he again sat as member for Wendover during this important session. Accordingly, from this time forward, scarcely was a bill prepared, or an enquiry begun, upon any subject, however remotely or incidentally affecting any one of the three great matters at issue,—privilege, religion, or the supplies,—but he was thought fit to be associated with St. John, Selden, Coke, and Pym, on the committee. On the 21st of March, a few days after the meeting of Parliament, he was placed upon the committee on 'an act to 'restrain the sending away persons' to be

'popishly bred beyond seas,' and, on the 28th, on one 'to examine the warrants for 'billeting soldiers, or levying money, in the 'county of Surrey*.' On the 3d of April, he was on the committee on a bill 'to regulate 'the pressing men as ambassadors, or on 'other foreign service, so as to promote the 'good of the people as well as the service of 'the state;' and, during the course of the same month, he was engaged on others 'for 'the better continuance of peace and unity 'in the church and commonwealth,' 'on the 'foundation of the Charter House,' on acts 'against scandalous and unworthy ministers†,' 'concerning subscription, or against procuring 'judicial appointments for money or other 'rewards,' and 'on the presentments of recu- 'sants made by the knights of the several 'shires.' On the 10th of May, he was put upon the committee 'on the case of the 'Turkey merchants,' whose goods were detained till they should pay the tonnage and

* Commons' Journals.—Willis, Not. Parl.

† This committee, afterwards popularly known by the name of the 'Scandalous Ministers' committee,' lasted for many years, and became a powerful instrument in the proceedings for new modelling the church establishment.

poundage; and, afterwards on the committees for ‘ redressing the neglect of preaching and ‘ catechising,’ ‘ on the petitions of Burgesse ‘ and Sparke,’ who had been persecuted by the Bishop of Durham, ‘ to search for records ‘ and precedents,’ ‘ to consider the two com- ‘ missions for compounding with recusants,’ and, ‘ for explaining a branch of the statute 3d ‘ of James.’ On the 13th of June, he closed, for the session, his laborious share in this sort of business with two committees, the one ‘ to take the certificates of the Trinity House ‘ merchants for the loss of ships,’ and the other ‘ to meet that afternoon on the Ex- ‘ chequer business.’

In a curious manuscript volume of Parliamentary Cases, and other Papers at Mr. Russell's at Chequers Court, is abundant evidence of the pains which Hampden took to fortify himself in the science of precedent and privilege. A great part of that volume is filled with extracts from what are called ‘ Mr. ‘ Hampden's notes,’ the originals of which, however, in his own hand, I believe, no longer to be in existence.

No sooner was the Parliament prorogued, than Montague, who had published two

violent tracts, the one called 'A Gag to 'Puritans,' the other called 'An Appeal to 'Cæsar,' which he addressed to the King, and for which he had been censured by the Commons, was promoted to the see of Chichester*, and Mainwaring, who had been sentenced to imprisonment by the Lords, and declared disabled from preaching, was preferred to the Crown rectory of Stamford Rivers. The goods of several merchants were seized for non-compliance with the levy of tonnage and poundage which still continued to be exacted contrary to law; and such owners as endeavoured to remove their property were summoned before the council and committed†.

In the meanwhile the hopes of the country were defeated by the failure of the long prepared and vaunted expeditions to Rochelle, and its sympathies shocked by the almost unconditional surrender to which, in consequence, the persecuted Protestants of France were reduced. This was the final blow to the wishes and to the pride of the English

* Petty's Miscellanea Parliamentaria.

† Rolls, Chambers, and Vassal were imprisoned for refusing to pay a new duty, imposed by the King, without consent of Parliament, on warrants.—See Parliamentary History.

nation, under the personal administration of the Duke of Buckingham. The event of the armament, in the preceding summer, had been signally disgraceful. To endeavour to repair it, Buckingham had landed his forces on the Isle of Rhé. Thoryas, the French commander, had defended the fortress of St. Martin with great courage and activity, until the arrival of Count Schomberg, who landed, and obliged the English to raise the siege precipitately, and to re-embark with great loss of men and honour. In this enterprize, the English lost about fifty officers, nearly two thousand soldiers, thirty-five prisoners of note, and forty-four stand of colours, which were carried in triumph to Notre Dame*.

In the early part of this year, another powerful fleet of fifty sail, under the Earl of Denbigh, had anchored in the roads of Rochelle. Finding twenty sail of French ships before the harbour's mouth, the Earl sent word into the town that he would sink them as soon as the winds and tide should permit. But, on the 8th of May, though favoured by both the one and the other, he,

* Burchett's Naval Hist.—Strafforde's Letters.—Memoires de Rohan.

without attempting the fulfilment of his large promise, returned to Plymouth, which, says Burchett, caused no small murmurings and jealousies in England. A third fleet was prepared, to be led by the Duke in person, and of which he was proceeding to take the command when he fell by the knife of Felton.

I think it not an improper digression to take notice of one of the proceedings had with regard to this assassination; not only as shewing the little respect paid during the early part of this reign to the spirit or forms of English law, but, (what is much more important,) as illustrating this valuable moral; how grossly incredible is all evidence obtained under torture, and how liable ever to lead to conclusions the most dangerous and opposite to truth and justice. Charles, in the first moments of his grief and dismay at the death of his favourite, fell into a belief, much more generally than truly adopted, that the assassination of a powerful statesman must needs be the fruit of some deep-sown and widely-rooted conspiracy. Such acts have been found to proceed much oftener from the fanaticism of private persons than from the plots of factions. When concerted among

many persons they have seldom succeeded, but, when resolved upon by one, have seldom failed. After Felton's repeated assertions that there were no accomplices in his design, the King, at the instigation of Bishop Laud, was desirous that, contrary to law, a confession should be obtained from him by the torture. To the Marquis of Dorset, who was employed to threaten him with the rack, Felton replied, that he was sorry that such was his Majesty's intention, for 'that, in that 'case, he knew not what he might say in the 'extremity of his pain, but that the first 'person he should implicate would be his 'Lordship.' The answer was shrewd, and successful, for the torture was not applied.

Thus ended the career of a minister who, under two Sovereigns, had held greater power than perhaps any other man ever acquired from the personal favour of his master, unsupported by any great qualities of mind, and undistinguished by any successful enterprize for his country. He fell by the private hand of an enthusiast, and was carried secretly and by night to his grave, for fear of the people*.

* Ellis's Original Letters.

The expedition, however, sailed, under the Earl of Lindsay, who found a bar across the harbour, which he made two weak attempts to force, and then abandoned, although the Marquis de Soubize volunteered to pass it with some few ill-appointed French ships if the English would promise to follow. The Rochellers, now reduced to the last extremity of famine, and despairing of relief, surrendered. An inglorious peace soon followed, and the Protestants of France, more unfortunate from the support proffered by England than even those of Germany had been in the last reign, were fain to submit to any terms, obtaining in the end but a bare and precarious toleration for their religion. It is difficult indeed to imagine grounds of complaint more grievous than those of the gallant and unhappy Rochellers against England. They had maintained themselves and their glorious cause with a valour which had been animated by the example of Rohan the governor and Guiton the mayor of their city, and fatally encouraged by the false promises of Charles. Rohan, himself, the commander and historian of that heroick garrison, accuses

him of the utmost treachery, and says that all the blood which was shed in Dauphiny is fairly to be laid to his account. Nor can this be deemed an unjustly aggravated reproach, though cast upon him with all the bitterness of a man who had lost all, and had seen his brave companions, after one of the noblest defences that history records, given up to the pleasure of a merciless enemy. He had trusted to that sort of encouragement so often offered by one large state for its own purposes to the insurgent subjects of an enemy, but of which there are so few examples that have not ended in the insurgents being sacrificed as victims to a treaty of peace between the two great powers. The letter delivered to Rohan by Sir William Beecher from King Charles promised him that he would 'assist the French Protestants to the utmost 'against their Sovereign for the liberty of 'their religion, on condition that they would 'not make peace,' and Montague had also been sent by Charles to assure him that 30,000 men and three fleets should be sent to his assistance; one to land at Rhé, one in

the Garonne, and the third in Normandy*. Thus, however, not only in Rochelle, but in Languedoc, Piedmont, and Dauphiny, were the French Protestants left to surrender at discretion to a vain and tyrannical prince, now taking his first lesson of blood from Richelieu, whom they had been incited, by the proffered support of England, to defy; England never after having struck one effective blow in their behalf, and, according to Rohan, having sent only a few useless troops into their garrison, who consumed their provisions, and hastened their surrender† Thus shamed and discomfited was our flag, both by land and sea, at the close of this powerful and enterprizing minister's career;—baffled at Cadiz, defied at Rochelle, beaten at Rhé, threatened off our own coasts, and insulted by the pirates from the Channel to the Mediterranean. Yet a very late writer, whimsically enough, but, as it should seem, not in irony, makes it matter of much praise to Charles that he 're-established the sove-'reignty of the seas.'

* Discourse on the Troubles of France. † Memoires de Rohan.

Remarkable as is the inferiority into which the English navy had fallen during the last two reigns, it is not, on the whole, difficult to be accounted for. All history shews that, for maintaining a superiority at sea, the Government at home must be, if not a free, at least a popular one. From the example of Carthage down to that of Holland and of Venice in her best times, this remark holds good. Venice, while her government was supported by the spirit of her people, was great in her commercial navy, and formidable in her warlike. But, when reduced by her vices to the condition of a corrupt oligarchy, she was beaten on her own waters, her flag became tributary to the gallies of the Levant, and at length subsided into a mere quartering in the heraldry of the German empire. The same moral may be traced through our own history. Our naval power, which arose with the dawn of free institutions under Alfred, slept under the dull and chilling despotism of the Plantagenets and of the first Tudors. It's reign was triumphant and undisputed under Elizabeth, when, as Raleigh tells us, 'one ship of her 'Majesty would have made forty Hollanders

' (the subjects of arbitrary Spain) strike sail.' It languished, was disgraced, and overthrown, under the two first Stuarts; was restored, confirmed, and victorious, under the Commonwealth; under the second Charles and James it hardly defended our own shores against the United Provinces; and, since the revolution, has been the first maritime influence of Europe.

It is not necessary to this view to dispute concerning the substantial freedom enjoyed by the people under these governments. It is enough to shew that they were popular governments, and that their naval prosperity kept an exact pace with the popularity of their civil institutions. Yet an Englishman, whose ' first love,' that of the naval fame of his country, is a strong passion, may rejoice if he find reason for believing it to be closely connected with the love and enjoyment of liberty. The people who feel an interest in their governments have many motives and many advantages for cultivating that maritime spirit which a despotism always tends to depress. A sense of security in property is essential to manufacturing enter-

prize, and to the carrying trade: and foreign commerce makes seamen. But commerce also creates a necessity for a warlike navy to protect it. If maritime power depended solely on situation, extent of sea-coast, rivers, or population, France should have always been more than a match for England. If on military genius, she should, at the least, have equalled us. But it depends on circumstances that change: in a word, on popularity of government. In this view, Cardinal Richelieu says truly* that 'The empire of the sea 'was never well secured to any.'

* Political Testament.

PART THE THIRD.

From 1628 to 1629.

Eminent Persons of the Country Party won over by the Court—Wentworth—Saville—Noy—A new Session—A Bill proposed to legalize Tonnage and Poundage—The Speaker refuses to put a Resolution of Privilege—The Commons' Protest—Dissolution—Hampden on divers Committees of the House—Members committed to the Tower—Removed to prevent their Appearance to a writ of Habeas Corpus—Sir John Eliot—Certain unjust Aspersions on his Memory—Letters to Him from Hampden concerning his Sons—Hampden retires into Private Life—Violences of Laud, and Sufferings of the Puritans—Dr. Morley, Dr. Hales, and Dr. Heylin—Star Chamber, and High Commission Court—Hampden's first Wife dies—First Writ for the Levy of the Ship-Money.

PART THE THIRD.

From 1628 to 1629.

THE troops, returning from the second expedition, were again billeted on the people; and their excesses now surpassed those of which the country had so lately and so loudly complained. The King's first, and unfavourable, answer to the Petition of Right, and his speech on closing the session, were, by his command, entered, with the petition itself, on the Rolls of Parliament, and of the courts below; and, next, as if it were likely that those persons by whose activity and address such an Act of Parliament had been carried through, would suffer it to be reversed by so poor an artifice as that of a fraudulent record, 15,000 copies were circulated, in which that answer was substituted for the final words of assent*. No means were left untried by the

* Rushworth.—Whitelocke.—Parliamentary History.

Court to weaken the impression of so great a triumph of privilege, and to frustrate the purpose of an Act, the provisions of which it was intended so soon to overthrow. 'Till now, the frontier lines of royal prerogative and Parliamentary privilege, like the borders of two neighbouring and warlike nations, had remained undefined and confounded in many parts, and had been many times contested with various success. But Charles himself had now ratified a boundary treaty. It left nothing open for justifiable dispute. He had made it the law of the land. That law he had promised to observe; and, in return, had obtained from his Parliament their thanks, and a subsidy. He kept the subsidy, but broke the promise; and the Parliament was thus left without any security from the King, and the King without any credit with the Parliament. For his first assault upon the conditions of the Petition of Right, Charles most imprudently selected the very point on which his former differences with the Commons had arisen; namely, the controul over the supplies. Thenceforward did he redouble the number of his exactions, and encrease their severity; as

if it were to revenge on Parliament and on the people their having gained from him a renunciation of all power to do so legally. He had, before, taught his Parliament that he would part with no ancient claim of prerogative but after a struggle and a bargain; and he now shewed that the struggle was no warning to his violence, and the bargain no bond upon his fidelity. Even the death of Buckingham brought no beneficial change to the people, except the termination of a wanton, disastrous, and inglorious war with two crowns. But the services of a far abler man were now engaged by the Court.

Certain eminent persons of the country party, who had long affected popularity, and some of whom had severely suffered for it, were won over about the same time. Those whose motives were the most suspected were soon made to earn the wages of their defection, and to drink the cup of their dishonour to the very dregs; for upon them was imposed the shameful distinction of becoming the prime instruments in forwarding those arbitrary fines and imprisonments, and those other invasions of parliamentary privilege, of which they had, before, been the opposers and the victims.

Of these persons the most remarkable were Wentworth, Saville, and Noy.

Wentworth and Saville had long been rivals in their native county of York, and had been always opposed to each other as candidates to represent it in the Commons. Under the management of the Lord Treasurer Weston, it was contrived, notwithstanding their agreement in general politicks, to keep them rivals still, in order afterwards the more easily to detach both from the cause of the people. Saville's constancy was first assailed; and he was raised to the privy council, and to the office of Comptroller of the King's household. This promotion, though it secured the services of Saville, was thought by many to have rendered Wentworth irreconcilable. But, in good time, Weston reconciled him also. By the Lord Treasurer's advice, the King removed Saville out of the path of Wentworth's local ambition, to a peerage; and Wentworth was, in his turn, advanced to the council board. The Presidency of the North was soon added to Wentworth's dignities. The largest absolute powers under the crown were thus conferred on him who the most loved absolute power, and was the most capable of extending it;

and he became supreme in his own great county. Nor was it long before the vastness of the general authority which this office gave him, made him the greatest subject in the kingdom*. As the importance of Wentworth's accession began to be more felt, and his talents and zeal to be more manifest, he also was raised to the peerage,—victorious over his former competitor, as well in the Court as in their native province. But his triumph did not stop here; for Saville (whom publick contempt had now, for a time at least, rendered useless) was deprived of his office, from which he retired into Yorkshire, abject and disconsolate, with the prospect of spending his age in the very centre of his great rival's connexion and power†—restless still, though hopeless of redeeming either credit or station, —crushed beneath the wreck of his own character, and unsupported by any such qualities of mind as enabled Wentworth to live feared and courted, and to meet his ruin at last without degradation. What the feel-

* Heylin's Life of Laud.—Hardwicke Papers.—Hacket's Life of Archbishop Williams.

† Strafford's Letters.—Radcliffe's Life of Strafford.

ings towards Wentworth were of the party whom he had abandoned, appears in the bitter reply of one of the most eminent persons of that body. When the new-made Viscount, coming out of the House of Lords, said to some of his former friends, in a tone of familiarity unusual with him, and unsuited to the temper of those whom he was addressing, 'Well, you see I have left you.'—'Yes, my 'Lord,' replied Pym, whose demeanour was not less proud or resolute than his own, 'Yes, 'my Lord, but we will never leave you while 'that head is on your shoulders;'—a prediction rigidly fulfilled.

Of Noy,—of his qualities and motives, and of the means by which he was wrought upon to barter reputation and connexion for the office of Attorney-General,—Lord Clarendon speaks in a spirit of shrewd and severe animadversion, separating him from the rest of those who, (before the measures of the country party had afforded any justification to the alarms of such as qualified their support of popular rights with a paramount attachment to the monarchy,) had deserted the cause of struggling privilege to strengthen that of a

powerful and persecuting court. 'He suf-'fered himself to be made the King's Attor-'ney-General,' says Clarendon.

Weak and trifling, though with much exact learning, Noy, in the pursuit of his objects of ambition and vanity, could but ill disguise the meanness of his nature; and, when he had succeeded in obtaining office and influence, knew not how to make the one respected, or the other feared.

To try the firmness of Parliament respecting those illegal levies of tonnage and poundage which had been raised for the King's use, by order of council, during the recess, a bill was now prepared, by command from the King, granting them absolutely to the crown from the commencement of the reign; and a dissolution was resolved upon, in case the Commons should delay the bill in its progress, or resume their former habits of inquiry and censure*. Upon this determination, rashly announced by message, the King paused before putting it into execution. Meanwhile the Commons pursued their course. Resenting the prepared bill as an attempt to obtain an indemnity for former inroads upon their privileges,

* May's History. Whitelocke.

they resolved, in a committee of their whole body, to examine the grievances in liberty and property, and then to proceed to the innovations in religion. But this Parliament was not of longer duration than the former, and it terminated in a more tumultuous manner. In one of the messages of explanation and importunity from the King, an admission was made that the goods of a member* had been seized. Upon a resolution being moved that this seizure was a breach of privilege, the speaker, Finch, refused to put the question, and, after a fiery protest from Selden, of his own motion, adjourned the house. At its next meeting, a few days after, when the matter was resumed, he pleaded that the King had commanded him, in the event of such a question being again proposed, again to leave the chair, and thus evade the duty of putting it to the vote. But, upon his rising to do so, a tumult ensued, the like of which has seldom been seen in any assembly engaged in maintaining its privileges. The spirit of the country party rose to the level of the emergency which called it forth. 'It was,' says Sir Symonds D'Ewes, 'the most gloomy, sad,

* Mr. Rolls.

'and dismal day for England that has hap-'pened for five hundred years.' Sir John Eliot, the mover of the resolution, in the confusion, unable to prevail on the trembling speaker to put his question, dashed the paper which contained it on the floor of the house. In a short, vehement harangue, he claimed that it should be read. Finch was forcibly detained in the chair, while his own kinsman, Peter Hayman, reviled him as 'the disgrace and blot of a 'noble family, and one whom all posterity 'would remember with scorn and disdain.' The question now read by Holles and Valentine, was echoed back with shouts. The Usher of the Black Rod demanded admittance in the King's name in vain: the door was locked and the key on the table. But when the Captain of the Guard arrived with orders from the King to force his entrance and bring away the mace, he found the door wide open. The resolution, and a general protestation against illegal imposts and innovations in religion, had passed, by acclamation, and unanimously*. The house then adjourned for eight days; and, on its next day of meeting,

* Sir Symonds D'Ewes.—Carte.

the 10th of May, the King went to the Lords, and, without calling the Commons to the bar, after a threatening speech, caused the Parliament to be dissolved by proclamation.

> ' Moche discoursed, and little amended,
> ' The Treasury in pawne, and the Parliament ended *.'

In the meanwhile, Hampden had laboured with great diligence in the publick business of these two sessions, and already the subject of church reform appears to have particularly recommended itself to his attention and his industry. He had been on the committees for preparing bills ' for enlarging the liberty ' of hearing the word of God,' and ' against ' bribery, and procuring places for money ' and other rewards;' and on the committee to prepare a bill to explain the statute 3rd James, ' concerning the appropriation of ' vicarages.' He was also put upon committees ' to view the entries in the clerk's ' book, and to search the entry of the Petition ' of Right;' and ' to examine a person who had ' petitioned the King with articles against ' Dr. Williams, Bishop of Lincoln, the keeper;'

* Black Tom's owne Garland.

and again, ‘ concerning the differences in the ‘ several impressions of the thirty-nine arti- ‘ cles.’ Again, ‘ to examine the matter and ‘ the information in the Star Chamber,’ and ‘ concerning the particulars of Sir Joseph ‘ Eppesley, and all others where commis- ‘ sioners are drawn to answer before the ‘ Lords;’ and ‘ to search the course and pre- ‘ cedents in the Exchequer concerning the ‘ injunction against merchants’ goods de- ‘ tained for the non-payment of duties;’ and, lastly, ‘ to prevent corruption in the presenta- ‘ tion and collation to benefices, headships, ‘ fellowships, and scholarships, in colleges*.’

This Parliament thus persisting in the same jealous course with those which had gone just before, the King on his part clung with no less obstinacy to those hostile measures which now sufficiently justified the distrust of the Parliament. The nature of the matters in dispute had rendered the breach nearly irreparable, and in truth the temper of the contending parties was not now favourable to repairing it. Each had by this time begun

* Rushworth.—Whitelocke.—Parliamentary Hist.—Commons’ Journals.

to look rather to a triumph than to an accommodation.

Before the dissolution, Charles again summoned several members to appear at the council board, and, on their refusal to answer for their conduct in Parliament elsewhere than before the house itself, committed them to close imprisonment in the Tower. Holles desired before the council that he might be the subject rather of his Majesty's mercy than of his power. 'You mean,' said the Lord Treasurer Weston, 'rather of his Majesty's 'mercy than of his justice.'—'I say, my Lord,' replied Holles, 'of his majesty's power.'

With the purpose of proceeding against them in the Star Chamber, Charles now resolved to fortify himself against the plea of privilege by what he hoped to find a more manageable authority,—that of judges holding their offices at the pleasure of the crown. He therefore propounded to them certain questions as to the manner of proceeding in such cases by common law, and also as to the privileges of Parliament generally.

When the members were brought up by Habeas Corpus to the King's Bench, demand-

ing to be admitted to bail, and to be heard by counsel on the illegality of the proceedings against them, they were remanded; and, it being represented that the judges were bound by their oaths of office to take bail on sufficient recognizances, commitments were made out, under the King's own warrant, to other prisons. This desperate step was soon sought to be retraced; but unsuccessfully. It was indeed now proposed by the Attorney-General that bail should be taken; but bail was refused unanimously by the prisoners themselves, on the ground, taken by Selden, that it would be an acknowledgment of the legality of the commitment*; and in the same spirit, and for the same reason, they refused to petition the King for their liberty. A new information being exhibited in the Court of King's Bench, they demurred generally to the jurisdiction of the Courts below in their case†; and, this plea coming to be argued, it was thrown upon the judges to find some middle course between disputing the privilege, as it affected every member of a resolute and incensed Parliament, and forcing the King to a publick

* Rushworth. † Whitelocke.—May.

and shameful retreat*. The expedient was adopted of giving judgment against the prisoners on a 'nihil dicit,' and they were accordingly sentenced to a heavy fine, and to imprisonment during the King's pleasure, in failure of giving security for their good behaviour. The majority of the imprisoned members, refusing to make this admission against their own case, continued thenceforth for many years in a very rigourous and painful confinement†.

Among these unbending victims to Charles's disappointed and desperate policy, remained, and at last perished in captivity, the brave and, I believe, blameless, Sir John Eliot; who, during his eager and faithful struggle in behalf of publick liberty, was distinguished, in an equal degree, by the hatred of the Court, and the confidence of the country party.

Against the memory of this renowned person some monstrous and improbable charges,

* Warwick's Memoirs.

† Besides Sir John Eliot, at the beginning of Trinity Term, 1629, were brought up, by writ of Habeas Corpus, Selden, Stroud, Sir Miles Hubbard, Mr. Long, Mr. Valentine, and Denzil Holles. These were all removed by warrant *per ipsum regem* to different prisons and fortresses.

not believed, as it appears, at the time, (for they were never objected to him by his opponents in Parliament, nor used by his persecutors for their own justification,) have been revived in a late publication, with a degree of passionate credulity, not inferiour to that with which, in the same work, imputations, equally void of foundation and probability, (and of which, in the course of these memorials, some notice shall be taken,) are cast upon Hampden himself. The author of a book, entitled 'Commentaries on the Life of Charles the 'First,' concludes a passage of very zealous invective against the conduct and supposed motives of the country party, with no less a charge against Sir John Eliot, than that of a cruel and treacherous attempt at murder; 'a story,' says he, 'too well authenticated to 'be omitted.' He, moreover, states that Sir John escaped the punishment due to such a crime, only by assiduous application to the favour of the Duke of Buckingham; whose protection he is likewise accused of having repaid by becoming his most vehement publick enemy*. It appeared improbable, at

* Mr. D'Israeli's 'Commentaries on the Life of Charles I.' vol.

first sight, that an unpunished assassin should ever after dare to shew himself ungrateful to so powerful a minister, and so arbitrary a court; and such a charge seemed to demand an inquiry, which, however, was rendered the more difficult by the absence of any marginal reference to any better authority for the facts cited than that of Eachard. And Eachard's unsupported testimony, in matters criminatory of the leading persons of that party, is notoriously not to be relied on. It appears, however, from certain original papers in the possession of the Earl of St. Germains, that the person himself, Mr. Moyle of Bake, whom Sir John Eliot is accused of having 'trea-'cherously stabbed in the back,' did not take the same view of the character of that transaction as Mr. Eachard, and the author of the 'Commentaries,' have done; inasmuch as he corresponds with Sir John Eliot afterwards, in terms of friendship, and, moreover, solicits his favour and assistance*. The truth

* Since these remarks were written, two additional volumes have proceeded from the pen of the same author. In the last of these are some explanations of his former passage concerning Sir John Eliot; in which, however, there is little amended in respect of the manner in which facts are given, or inferences drawn. Soon after the two first volumes appeared, Lord Eliot addressed

of the story upon which Mr. Eachard founded this preposterous calumny has now come to

to the author of the 'Commentaries' a remonstrance in behalf of his ancestor, written in a spirit of mildness, modesty, and good sense, such as any body acquainted with the noble writer of it might well have expected from him, and which he accompanied with the loan of a volume of the Eliot family papers, and with a copy of an apology made by Sir John to Mr. Moyle for this pretended 'assassination.' The apology is witnessed by Coryton, Bevill Grenvill, Tremayne, and four others. It is in these words :

'Mr. Moyle,—I doe acknowledge I have done you a greate 'injury, which I wish I had never done, and doe desire you to re-'mitt it; and I desire that all unkindnesse may be forgiven and 'forgotten betwixt us, and henceforwarde I shall desire and de-'serve your love in all frendly offices, as I hope you will mine.

'J°. Elyotte.'

Lord Eliot's is a natural and obvious inference. 'The language 'in which it is couched would hardly lead one to suppose that it 'was addressed by an assassin to his victim. It appears to me to 'be an acknowledgment of a hasty and unpremeditated act of 'violence, but not one which precluded, in the writer's opinion, the 'possibility of a restoration of friendly feeling between him and the 'injured party.' Mr. D'Israeli, however, sees nothing in this but ground for thus renewing his accusation. 'I perfectly agree with 'his Lordship,' says the immoveable author of the Commentaries, 'that this extraordinary apology was not written by a man who 'had stabbed his companion in the back; nor can I imagine that, 'after such a revolting incident, any approximation to a renewal 'of intercourse would have been possible. It is *therefore* evident 'to me, that this apology was drawn up for some *former* great 'injury, whatever it might be,—*but it surely confirms the recorded* '*tale*. The apology was accepted; *and it was in the hour of recon-*'*ciliation, with wine before them*, that the treacherous blow was 'struck.' Mr. D'Israeli neglects to cite any authority for any part of this latter statement. But

light. In a letter, in the possession of Miss Aikin, written by an ancestor of one of the

But one word more in taking leave of this strange accusation against Sir John Eliot. What shall be said, when we find that, from some extraordinary oversight, (for no man would be justified in suspecting such extraordinary disingenuity,) Mr. D'Israeli entirely discards the conclusive evidence of two letters contained in the very volume of the Eliot papers, with which he was intrusted by Lord Eliot? For conclusive they must be in the opinion of any one who, like Mr. D'Israeli, declares that 'he cannot imagine, 'after such a revolting incident, any approximation to a renewal 'of intercourse to be possible;' and yet he does not notice even the existence of these two letters! They are marked No. 63 and No. 98 in the volume. They are addressed by Sir John to the very Mr. Moyle in question, and dated many years after the pretended 'assassination,' in answer to solicitations for favours.

SIR JOHN ELIOT TO MR. MOYLE.

'SIR,

'According to your desire I have used my best endeavour with 'the proctor to obtain your satisfaction for the choice of a minister 'at St. Germains, and something by way of preparation I had 'done before the receipt of your letters, upon the intelligence of 'Luke's death, to incline him therein; but the effect is little to 'answer the merit of the suit, though as much in respect of favour 'as I looked for. This is not a denial, but that which really may 'prove so; he seems to refer it wholly to the House, yet if they 'elect his kinsman, I presume his expectation is not lost. I am 'sorry this return is not better to the occasion you have given me; 'it may serve for an expression of my power, though my affection 'be beyond it. I can command corruption out of no man, but in 'mine own heart have a clear will to serve you, and shall faith- 'fully remain

'Your true friend.

'*Tower*, 22 *April*, 1630.

'MR. MOYLE.'

'SIR JOHN

most respectable families in Devonshire, the cause and course of the quarrel are given, as described by the daughter of Mr. Moyle himself, a witness not likely to be unjustly partial to Sir John Eliot. Her statement is this:—

Mr. Moyle, having acquainted Sir John Eliot's father with some extravagances in his son's expenses, and this being reported with some aggravating circumstances, young Eliot

'Sir John Eliot to Mr. Moyle.

'Sir,

'I am sorry my tenant Rodd should be an occasion of your 'trouble for the reparation of his fault. I confess to me he does 'but what we expected in the non-performance of his bargain, the 'doubt of which has made me always unwilling to deal with him, 'and the composition which he had was granted in my absence, 'wherefore without prejudice to justice I might now insist upon 'the advantages, if your respect prevailed not, but that has a 'greater power in me therein to secure him; and notwithstanding 'the improvidence of the man to estate him where he was, to 'which end, in answer to your love, I will give order to my servant 'Hill, at his return into the country, to repay him the money that's 'received, and so to leave him to his old interest for the tenement, 'in which he must acknowledge your courtesy and favor, for 'whose satisfaction it is done by

'Your most affectionate friend,

'7 *December*, 1631. 'J. E.

'Mr. Moyle.'

These letters, unnoticed by Mr. D'Israeli, cannot fail, upon the grounds of his own former admission to Lord Eliot, to set the question at rest.

went hastily to Mr. Moyle's house and remonstrated. What words passed she knew not; but Eliot drew his sword, and wounded Mr. Moyle in the side. 'On reflection,' continues Mr. Moyle's daughter, 'he soon detested the 'fact; and, from thenceforward, became as 'remarkable for his private deportment, in 'every view of it, as his publick conduct. 'Mr. Moyle was so entirely reconciled to him 'that no person in his time held him in higher 'esteem.'

Nor does the accusation of subserviency and adulation towards the Duke of Buckingham rest on any better grounds. It is attempted to be inferred, from an unconnected phrase or two in a certain letter, given by Mr. D'Israeli, (he does not state on what authority,) which are written in only the style of compliment then universally in use, and which refer, as Mr. D'Israeli himself observes, to his official character as Vice-admiral of Devonshire, and Chairman to the committee of Stannaries. The circumstance, however, which renders it impossible to ascertain the ground on which the author of the 'Commentaries' rests the gravamen of this charge, is, that some of his

references themselves are erroneous. For a part of his case, he refers to the Harl. MSS. 7050. Throughout the whole of that volume there is not one word respecting Sir John Eliot, or his property, as cited in the 'Commentaries.' The passage referred to as in the same collection, 7000, contains the story of two very dignified petitions of Eliot's to the King for a temporary release, till he should have recovered his health; and a very spirited and touching refusal, although in the last stage of illness, to purchase liberty by admitting the justice of the sentence against him*.

* Harl. MSS. 7000, fol. 186.

'A gentleman, not unknown to Sir Thomas *Lucy*, tolde mee 'from my Lord Cottington's mouth, that Sir John Elyotts late 'maner of proceeding was this. Hee first presented a petition to 'his Maty by the hand of the Lieutenant his keeper, to this effect. '"Sir, your Judges have comitted mee to prison here in yor Tower 'of London, where, by reason of the quality of the ayer, I am 'fallen into a dangerous disease. I humbly beseech your Maty 'you will comaund your Judges to set mee at liberty, that for 'recovery of my health I may take some fresh ayer," &c. &c. 'Whereunto his Matie's answere was, it was not humble enough. 'Then Sir John sent another petition by his owne sonne to the effect 'following. "Sir, I am hartily sory I have displeased your Maty, 'and, having soe said, doe humbly beseech you, once againe, to 'sett mee at liberty, that, when I have recovered my health, I 'may returne back to my prison, there to undergoe suche punish-

But it would be wrong to fall into the tediousness of a further defence of this eminent person against a discursive attack, for which, indeed, there appears no justification. In one of the few cases in which a reference is given that can be traced, it is done in so ambiguous a phrase as to leave an impression that the author, quoted by Mr. D'Israeli, agrees with him in opinion as to the character of Sir John Eliot; which in truth he does not, but directly the reverse. 'Eliot,' says the author of the 'Commentaries,' 'like Sir Dudley Digges, was, in fact, a great servant of

'ment as God hath allotted unto me," &c. &c. Upon this the 'Lieut. came and expostulated with him, saying it was proper to 'him, and comon to none else, to doe that office of delivering peti-'tions for his prisoners. And if Sir John, in a third petition, 'would humble himselfe to his Matye in acknowledging his fault 'and craving pardon, hee would willingly deliver it, and made no 'doubt but he should obtaine his liberty. Unto this, Sir John's 'answer was. "I thanke you (Sir) for your friendly advise: but 'my spirits are growen feeble & faint, wch when it shall please 'God to restore unto their former vigour, I will take it farther 'into my consideration." Sir John dying not long after, his sonne 'petitioned his Matye once more, hee would be pleased to permit 'his body to be carried into Cornwall, there to be buried. 'Wherto was answered at the foot of the petition. "Lett Sir 'John Eliot's body be buried in the Churche of that parish where 'he dyed." And, so it was buried in the Tower.'

The letter is dated in the handwriting of Dr. Birch—'*December* 13, 1632.'

the Duke's *.' And, for this, a marginal reference is made to Rushworth, vol. i., p. 450, from which it would naturally be supposed that Rushworth had given this character of Eliot as well as of Digges; whereas the passage in Rushworth, which occurs in a transcript of Archbishop Abbott's defence of himself, says of Sir Dudley Digges, 'That man, 'now so hated, (Digges,) was a great servant 'of the Duke's.' In that passage, Eliot is not mentioned nor alluded to. It is only the author of the 'Commentaries,' who makes the epithet carry double, by coupling Eliot's name with that of Digges. It cannot be supposed that Mr. D'Israeli intended to convey a wrong impression of Rushworth's words; but it is unfortunate that he should have used a phrase which was likely to do so.

Of the estimation in which Eliot's private as well as publick character was held, little more need be said, but that he is spoken of by Hampden, in several letters, with the utmost esteem and admiration, as of one 'whose 'affections he accounts a noble purchase †.'

* Commentaries on the Life of Charles I., vol. i., p. 272.

† Hampden's Letter, No. 126, Eliot Collection.

Nor is it less in his favour, that he was the intimate friend of the gallant and virtuous Sir Bevill Grenvill, who was never a factious enemy of the court, although, throughout his early career, an opposer of its measures; and whose death, when at last he fell, fighting on the King's part at Landsdowne, 'would,' says Lord Clarendon, 'have clouded any victory, 'and made the loss of others less spoken of.'

Eliot was chosen by Sir Bevill to be godfather to his second son; and is mentioned by him, in his letters to his wife, the Lady Grace Grenvill, in terms of warm affection. His attachments seem to have been strong and lasting; his enmities, bold, open, and vehement; his publick virtue indefatigable and unstained. His eloquence was ardent and flowing, and his mind deeply imbued with a love of philosophy and a confidence in religion, both of which gave a lofty solemnity of tone to his letters, many of which are written under the hardships of captivity and the rapid approaches of death.

During the last few months of Eliot's sufferings, the remonstrances of his physicians warned the Privy Council of the advanc-

ing issue of his disorder; which could only be relieved by releasing him from his imprisonment, or, at the least, by relaxing its severities*. But all indulgence was refused; and his liberty offered only upon conditions which his proud spirit, having already rejected them on grounds of publick duty, would never stoop to accept for personal ease or safety †. It is stated by May, that, in his sickness, he was strictly debarred from the society of his friends and family. This appears, from Eliot's correspondence, to have been quite true of the latter period of his imprisonment; but May is misled in asserting that he was also refused all means of communication with them by letter ‡. His hours of solitary misery in the Tower, he still dedicated to the defence of his views of civil government, in a treatise, entitled 'The Monarchy of Man.' He also had the consolation of a correspondence with his friend, John Hampden,—a fac-simile of one letter from whom is subjoined, facing the opposite page. The original is in the British Museum §. Although containing as little in-

* Grand Remonstrance. † Ludlow's Letters.

‡ May, Appendix. § Donat. MSS. No. 2228.

formation of any importance as a letter written to a prisoner in close and jealous custody was like to do, and though consisting of absolutely nothing but an apology for not writing more, it is, nevertheless, not uninteresting, from the neatness of its style, and from the warm affection which it manifests to the unhappy friend to whom it is addressed.

Eliot's correspondence shews that he consulted Hampden upon the literary work in which he was employing himself. Several of his letters refer also to the education and characters of his two sons, whom, during his long captivity, he intrusted to the care of his friend. To Hampden's faithful and valuable counsel he seems to have mainly applied himself for direction in the government and advancement of them. Towards the younger of the two, Mr. Richard Eliot, the 'souldier' alluded to in the postscript of the fac-simile letter, Hampden seems to have borne a strong and almost parental affection. In one of his letters to his father he describes him as one 'of whome, if ever you live to see a fruite 'answerable to the promise of the present 'blossomes, it will be a blessinge of y' weight

occasion; hold mee excused therefore deare
friend: and if you vouchsafe mee a better
lett mee begg of you to teach mee
some thrift of time: that I may imploy
more in yor service who will ever bee

yor faithfull servant
& affectionate friend
Jo^n Hampden

Sd: Commend my service to
wh. 21. ye souldier if not gone
to his colours.

'as will turne the scale against all worldly 'afflictions and denominate yor life happy*.' Both, however, of these young men, (the elder by some idle and riotous habits which brought him into difficulties with his superiours at Oxford, the younger by a vivacious and unsteady humour, which was considered as fitting him rather for the activity of a military life than for a course of literary study,) it is plain, gave no small trouble and solicitude to their father's friend in the discharge of the duties which he had undertaken towards them. But so natural and amiable are the expressions of an indulgent heart, particularly when pleading in extenuation of some of these youthful irregularities, that I have been led to transcribe some passages of a correspondence which has nothing of historical importance to recommend it. Where it is possible in any part to make such a man as Hampden his own biographer, who would substitute any other words for those in which he tells the story of his own feelings and opi-

* Eliot Papers, No. 23.

nions? Some of the letters which follow I cannot content myself with merely making extracts from.

'Sir,

'I hope you will receave yor sonnes both 'safe, and that God will direct you to dispose 'of them as they may be trained up for his 'service and to yor comfort. Some words I 'have had wth yor younger sonne, and given 'him a tast of those apprehensions he is like 'to find wth you; wch I tell hime future obe- 'dience to yor pleasure, rather than iustifica- 'tion of past passages, must remove. He 'professeth faire; and ye ingenuity of his 'nature doth it without words; but you know 'vertuous actions flow not infallibly fro. the 'flexiblest dispositions: there's ownly a fit 'subiect for admonition and government to 'worke on, especially that wch is paternall. 'I confesse my shallownesse to resolve, and 'therefore unwillingnesse to say any thing 'concerning his course; yet will I not give 'over the consideration; because I much de-

'sire to see y^t spiritt rightly managed. But,
'for yor elder, I thinke you may with secu-
'rity returne him in conuenient time; for
'certainly there was nothing to administer
'from of a plott, and, in another action y^t
'concerned himselfe, wch he'll tell you of, he
'receaved good satisfaction of the Vice Chan-
'cellor's faire carriage towards hime. I
'searched my study this morning for a booke
'to send you of a like subiect to y^t of y^e
'papers I had of you, but find it not. As
'soone as I recouer it, I'll recommend it to
'yor view. When you haue finished ye other
'part, I pray thinke mee as worthy of ye sight
'of it as ye former; and in both together I'll
'betray my weaknesse to my friend by de-
'claring my sense of them. That I did see is
'an exquisite nosegay, composed of curious
'flowers, bound together with as fine a thredd.
'But I must in the end expect hony fro: my
'frend. Somewhat out of those flowers di-
'gested, made his owne, and givinge a true
'tast of his owne sweetnesse; though for that
'I shall awaite a fitter time and place. The
'Lord sanctify unto you ye sowrenesse of

'yor present estate, and ye comforts of yor 'posterity.

'Yo^r ever ye same assured frend,

'Jo. Hampden.

'*April 4th*, 1631.'

Sir John Eliot in his answer, dated from the Tower, proposes to send his younger son, Richard, as a soldier, to the Netherlands, to learn the art of war in the train of Sir Horace Vere. He states also his elder son's, (John's,) desire to go to France, but his own desire that he should remain at Oxford till he should have obtained his 'licence,' or degree, at that university. To this the following is the reply:—

'Sir,—I am so perfectly acquainted with 'your cleare insight into the dispositions of 'men, and ability to fitt them with courses 'suitable, that, had you bestowed sonnes of 'mine as you have done yor owne, my iudge-'ment durst hardly haue called it into ques-'tion; especially when, in laying the design, 'you haue prevented ye obiections to be made

'against it. For if Mr. Rich. Eliot will, in 'the intermissions of action, adde study to 'practise, and adorn that liuely spiritt with 'flowers of contemplation, he'll raise our ex- 'pectations of another Sr Edw.* Veere, that 'had this character; "All summer in the '"field, all winter in his study;" in whose 'fall fame makes this kingdome a great 'looser; and, having taken this resolution 'from counsaile with ye highest wisdome, (as 'I doubt not you haue,) I hope and praye y^e^ 'same power will crown it with a blessing 'answerable to our wish.

'The way you take with my other friend 'declares you to be none of ye B^p^ of Exeter's 'converts,† of whose minde neither am I su- 'perstitiously; but, had my opinion bine 'asked, I should, (as vulgar conceipts use to 'do,) haue shewed my power rather to raise 'obiections than to answer them. A temper‡ 'between Fraunce and Oxford might have

* Francis.

† Alluding, probably, to Hall's, Bishop of Exeter's, Letter to the House of Commons, during the discussions between the two Houses on the Petition of Right, in which he says, 'If you love yourselves and your country, *remit something of your own terms.*'

‡ A middle course, a compromise.

'taken away his scruple, with more advantage
'to his yeares; to visit Cambridge as a free
'man for variety and delight, and there en-
'tertained himselfe till ye next spring, when
'University studyes and peace had bine better
'settled then I learn it is. For, although he
'be one of those that, if his age were looked
'for in no other booke but that of the minde,
'would be found no ward if you should dy
'tomorrow; yet 'tis a great hazard, mee-
'thinkes, to see so sweete a disposition guarded
'with no more amongst a people whereof
'many make it their religion to be superstи-
'tious in impiety, and their behaviour to be
'affected in ill manners. But God, who
'ownly knows ye periods of life, and oppor-
'tunities to come, hath designed hime, (I
'hope,) for his owne seruice betime, and
'stirred up yor providence to husband hime so
'early for great affaires. Then shall hee be
'sure to finde hime in Fraunce that Abraham
'did in Sichem, and Joseph in Egipt, under
'whose wing alone is perfect safety. Con-
'cerning that Lord,* who is now reported to

* Merven Touchet, Lord Audley, the infamous Earl of Castle-

'be as deepe in repentance as he was pro-
'found in sinne, the papers, &c. I shall take
'leave fro: your favour, and my streight of
'time, to be silent, till the next weeke, when
'I hope for the happinesse to kisse your
'handes, and present you with my most
'humble thankes for yor letters, wch confirm y^e
'observation I have made in the progresse of
'affections: that it is easier much to winne
'upon ingenuous natures then to meritt it.
'This, they tell mee, I have done of your's:
'and I account it a noble purchas, wch to im-
'prove with the best services you can com-
'mand and I performe, shall be ye care of

'Your affectionate friend and servant,

'Jo. Hampden.

'*Hampden, May* 11*th*, 1631.

'Present my seruices to Mr. Long, Mr.
'Valentine, &c.

'Do not thinke by what I say y^t I am
'fully satisfyed of your younger sonne's
'course intended, for I have a crotchett out
'of ye ordinary way, wch I had acquainted
'you wth if I had spoken wth you before he

haven, of whose removal from the Tower, and trial and sentence, Eliot had spoken in the letter to which this is the answer.

had gone, but ame almost ashamed to communicate.'

The next letter is from Hampden to one of ıe sons, his 'young friends.'

'Sir,—I receaved yor commaunds by ye hands of Mr. Wian, and was glad to know by them that another's word had power to commaund yor faith in my readinesse to obey you, wch mine it seems had not. If you yet lack an experience, I wish you had put mee upon ye test of a worke more difficult and important, y^t yor opinion might be changed into beliefe. That man you wrote for I will unfainedly receave into my good opinion, and declare it really when he shall have occasion to putt me to ye proofe. I cannot trouble you with many words this time. Make good use of the booke you shall receave fro: mee, and of yor time. Be sure you shall render a strict account of both to

'Yo^r ever assured friend and seruant,

'Jo. Hampden.

'Present my seruice to Mr. Long. I would faine heare of his health.

'*Hampden, June 8th,* 1631.'

The remaining ones are to Sir John Eliot.

'Sir,—You shall receave ye booke I pro-
'mised, by this bearer's immediate hand; for
'ye other papers I presume to take a little, and
'but a little, respitt. I have looked upon y^t^
'rare piece owmly with a superficiall view; as
'at first sight to take ye aspect and proportion
'in ye whole; after, with a more accurate
'eye, to take out ye lineaments of every part.
''Twere rashnesse in mee, therefore, to dis-
'couer any iudgment, before I have ground to
'make one. This I discerne, that 'tis as com-
'pleate an image of ye patterne as can be
'drawne by lines; a liuely character of a
'large mind; the subiect, method, and expres-
'sions, excellent and homogeniall, and, to say
'truth, (sweete heart,) somewhat exceeding
'my comendations. My words cannot render
'them to the life; yet (to show my ingenuity*
'rather than witt,) would not a lesse modell
'have given a full representation of that
'subiect? not by diminution, but by con-
'traction, of parts. I desire to learn; I dare
'not say. The variations upon each par-
'ticular seem many; all, I confesse, excellent.

* Ingenuousness.

'The fountaine was full; ye channell narrow; 'y^t^ may be ye cause; or that the author 'imitated Virgill, who made more verses by 'many then he intended to wright. To ex- 'tract a iust number, had I seen all his, I 'could easily have bidd him make fewer; but 'if he had badd mee tell which he should 'have spared I had bine apposed. So say I 'of these expressions; and that to satisfy 'you, not myselfe, but that, by obeying you 'in a comaund so contrary to my own dis- 'position, you may measure how large a 'power you have ouer

'Jo. Hampden.

'*Hampden, June 29th,* 1631.'

'Recomend my seruice to Mr. Long, and, 'if S^r^ Ol. Luke be in Towne, expresse my 'affection to him in these words; ye first part 'of ye papers you had by ye hands of B. 'Valentine long since. If you heare of yor 'sonnes, or can send to y^m^, let mee know.'

'Deare Sir,—I receaued a letter from you 'the last weeke, for wch I owe you ten, to 'countervaile those lines by excesse in number 'that I cannot equall in weight. But time is

'not mine now, nor hath bine since that 'came to my hands; in your favour, there- 'fore, hold mee excused. This bearer is 'appointed to present you wth a buck out of 'my paddock, wch must be a small one to hold 'proportion with ye place and soyle it was 'bred in. Shortly I hope, (if I do well to 'hope,) to see you; yet durst I not prolong y^e^ 'expectation of yor papers. You have con- 'cerning them layde comaundes upon mee 'beyond my ability to give you satisfaction 'in; but, if my apology will not serve when 'wee meete, I will not decline ye seruice to y^e^ 'betraying of my owne ignorance, which yet 'I hope yor love will couer.

'Yo^r^ ever assured friend and seruant,

'Jo. Hampden.

'*Hampden, July* 27.

'I am heartily glad to learne my friend is 'well in Fraunce. Captaine Waller hath 'bine in these parts, who I have seene, but 'could not entertaine; to my shame and 'sorrow I speake it.'

'Sir,—In the end of my travailes, I meate 'ye messengers of yor loue, wch bring mee a

'most gratefull wellcome. Yo^r intentions 'outfly mine, that thought to haue prevented 'yo^rs, and convince mee of my disability to 'keepe pace with you or the times. My im- 'ploiment of late in interrogatory with like 'affaires hath deprived mee of leisure to 'compliment; and ye frame of dispositions is 'able to iustle the estyle of a letter. You 'were farre enough above my emulation be- 'fore; but, breathing now the same ayre w^th 'an ambassador, you are out of all ayme. I 'beleive well of his negociation for ye large 'testimony you have given of his parts; and 'I beleive ye king of Sweden's sword will be 'ye best of his topicks to persuade a peace. 'Tis a powerfull one nowe, if I heare aright; 'fame giving Tilly a late defeate in Saxony 'wth 20,000 losse; the truth whereof will 'facilitate o^r worke; the Spaniard's curtesy 'being knowne to be no lesse then willingly to 'render that which he cannot hold. The 'notion of these effects interrupts not o^r 'quiett, though ye reasons by wch they are 'gouerned do transcend o^r pitch. Yo^r appre- 'hensions, y^t ascend a region above those 'clouds wch shadow us, are fitt to pierce such

'heights; and o^rs to receave such notions as 'descend from thence; which while you are 'pleased to impart, you make ye demonstra- 'tions of yor favour to become ye rich posses- 'sions of

'Yo^r ever faithful friend and seruant,

'JO. HAMPDEN.

'Present my seruice to Mr. Long.

'*Hampden, October 3.*

'God, I thanke him, hath made me father 'of another sonne.'

'NOBLE SIR,—I hope this letter is conveyed 'to you by so safe a hand y^t yo^rs will be y^e 'first y^t shall open it; or, if not, yet, since you 'inioy, as much as without contradiction you 'may, ye liberty of a prison, it shall be no 'offence to wish you to make ye best use 'ont, and y^t God may find you as much his, 'now you inioy ye benefitt of secondary 'helpes, as you found hime yo^rs while, by 'deprivation of all others, you were cast upon 'his immediate support. This is all I have, 'or am willing, to say; but y^t ye paper of con- 'siderations concerning ye plantation* might

* Referring to the project of emigration to the plantation founded

'be very safely conueyed to mee by this hand, 'and, after transcribing, should be as safely 'returned, if you vouchsafe to send it mee. I 'beseech you present my seruice to Mr. Va- 'lentine, and Mr. Long my countryman, if 'with you, and let me be honoured with the 'stile of

'Yo^r faithful friend and seruant,

'JO. HAMPDEN.

'*Hampden, December 8th.*'

This is the last of his letters to Sir John Eliot; written to him when the rigours of the imprisonment had been abated by reason of the representation of the physicians. But too late. Disease, aggravated by hardships already suffered, was advancing with a pace which was not to be arrested; and in the following November Eliot expired; leaving testimony of a hardihood of purpose and a resolute endurance of all the sufferings it brought upon him, which, if we consider the length and fatal termination of them, and, above all, the repeated occasions offered to him to escape

by the Puritans in Connecticut, of which further notice will be taken hereafter.

them by compromising publick duty and private honour, were unparallelled even in those days of patient and obstinate courage under persecution. I hope that I stand excused for making so copious extracts of letters on matters which throw so little light on general history. Of Hampden's correspondence, probably for the reasons already mentioned in the preface, the remains are very rare. It is difficult to conceive that any letters of his would be quite unworthy of attention: certainly not those which make so touching a display of the affectionate feelings of his heart.

Before the dissolution of the Parliament of 1628-9, Hampden, although retaining his seat for Wendover, had retired to his estate in Buckinghamshire, to live in entire privacy; without display, but not inactive; contemplating from a distance the madness of the Government, the luxury and insolence of the courtiers, and the portentous apathy of the people, who, amazed by the late measures, and by the prospect of uninterruptedly encreasing violence, saw no hope from petition or complaint, and watched, in confusion and silence,

the inevitable advance of an open rupture between the King and the Parliament. The literary acquirements of his youth he now carefully improved; encreasing that stock of general knowledge which had already gained him the reputation of being one of the most learned and accomplished men of his age; and directing his attention chiefly to writers on history and politicks*. Davila's 'History of the Civil Wars of France' became his favourite study; his *Vade Mecum*, as Sir Philip Warwick styles it; as if, forecasting from afar the course of the storm which hung over his own country, he already saw the sad parallel it was likely to afford to the story of that work. In his retirement, he bent the whole force of his capacious mind to the most effectual means by which the abuses of ecclesiastical authority were to be corrected, and the tide of headlong prerogative checked, whenever the slumbering spirit of the country should be roused to deal with those duties to which he was preparing to devote himself.

Meanwhile the raising of a revenue, without

* Clarendon—Hist. Reb.

consent of Parliament, so often declared illegal, both by resolution and by statute, was more and more actively pursued; and new imposts laid, in some cases to an amount exceeding the prime cost of the goods on which they were charged. Coat and conduct money for the militia was still levied upon the counties, and the names of all who resisted were reported to the Council Board. Patents of monopoly on articles of the most ordinary and necessary use, as in the former reign, were sold to companies, and granted to favoured individuals. Heavy fines were inflicted on all such persons as, being possessed of forty pounds a-year, had declined to submit themselves to the honour of knighthood at the coronation: and payment was enforced by Exchequer process. Contrary to statute, the old forest laws were revived, and the royalties of chase, and timber, and pasturage, extended at will, in order that recoveries or annual rents might be extorted by way of composition. Proclamations were issued from the Privy Council, claiming for these encroach-

ments the force of law*. And yet from all these extraordinary means the Crown derived but a scanty revenue, the chief profit of the exactions being swallowed up in the collecting of them†.

Then began Wentworth to fill up the measure of his qualifications for the highest pitch of favour and power at which his ambition could aim, or his great abilities, inferiour only to his ambition, help him to arrive. Then began, too, the more cruel violences of Laud, who had early directed the attention of the court towards Wentworth, and had prepared him for the overtures made by Weston. At the beginning of this reign, Laud had been noted as a zealous champion of the new forms and ceremonies. A wiser courtier than Williams, and a more subtle and effective labourer for the claims of the high church than Bancroft, or Neale, he had early recommended himself by his success in advancing the power and revenues of the Crown, jointly with the temporalties of the clergy; and now he had become no less distinguished

* May.—Appendix.—Rushworth.
† Clarendon.—Hist. Reb.

for the relentless severity with which he pursued those persons who endeavoured a reformation of their excesses. Crafty in pursuit of the means of his influence, Laud was bold and sincere in the ends to which he applied them. Rash, cruel, and tyrannical in the exercise of power, and vain and trifling in his display of an ambition which aimed at the greatest objects, his lofty courage and fervent piety threw a deep interest round his latter days. He was a learned, and an enterprizing, but not a wise, man; ever aspiring to eminence in the state, and shewing, when he had attained it, that his nature had not qualified him to fill it with prudence or dignity. He was not without generosity, although his inveterate hate of Williams made him use unfairly the advantages which his better fortune gave him over his rival in the conflict of intrigue. Laud, for a space, prevailed. But for the superiour magnanimity of Williams, (with all his faults,) it must be said, that, in after times, when he was in favour, and Laud in danger, he laboured harder to save his fallen enemy's life than he had ever done to check or destroy his power.

Under the masterly genius and authority of Wentworth, who was preparing to graft for himself upon the great office of President of the North the yet higher dignity of Lord Deputy of Ireland, and under the implacable vigilance of Laud, (joined with Cottington and Coventry in the Treasury Commission, and only detained from the Primacy by the spark of life which still lingered in the good old Archbishop Abbott,) the united power of the court and clergy was now at it's noon, and prospered. Parliamentary privilege, no longer a barrier in its path, had become it's plaything and it's scorn; and ministers of state, courtiers, and divines, each in their several office and vocation, openly counselled the King against ever recalling into activity the vexatious controul of a Parliament*. The personal liberty of such of the gentry of the country party as had never been sufficiently forward in it's ranks to afford a pretext for seizure and imprisonment was next assailed. Many were ordered home to their country-seats, and forbidden to return to the capital;

* Clarendon—Life.

and the Statute of Improvements was occasionally used for the confiscation of large portions of their land. Merchants were prohibited from landing cargoes at convenient ports whenever the interests of favoured monopolists chanced to require their unloading at others*. Families were impoverished, some ruined, by excessive fines to the Court of Wards for compounding wardships. But the power of the court, the treasury, and the clergy, fell with it's heaviest visitation on the Puritans; and this designation was accordingly fixed on all such as it was intended to provoke to the indiscretion of complaint, and then to dignify by a persecution, which the enthusiasm of many inclined them rather to invite than, by a prudent silence, to avoid. Among the various means which have been at different times adopted for forcibly extinguishing religious sects, none, short of extermination, have ever, in the whole history of the world, been successful. Mere persecution has

* The monopolies were not limited to licenses for importation. The excise paid it's share liberally to the demands of the court. Soap, oats, wine, publicans' licenses, leather, glass, iron, tin, and lead, were successively charged with duty to great persons, for favour or for composition.

always, on the contrary, been found to unite sects by a closer bond, and warm them with a more fervent zeal. Vanity, indignation, and piety, are impulses too strong for it's controul; it sometimes kindles, often illumines, but never can consume them.

Tyranny, however, in the selection of its early victims, rarely fixes it's choice upon persons whose discretion and mildness of deportment are likely to leave the oppressor without some show of justification. Passions heated by controversy, and tempers soured by unjust obloquy, have been the ordinary subjects of it's most violent and cruel experiments. This was the case with Leighton, who, moved by a litigious and not very orderly zeal, had, in a book called 'Sion's Plea,' lectured the prelates, and railed against the Queen as a 'Canaanitish woman and idolatress.' He was also convicted, contrary to the evidence of the book itself, in which no such passage is to be found, of having, on the ground of Scripture precedent, recommended to 'smite the bishops 'under the fifth rib.' In like manner Prynne: he had devoted his industry and learning to make manifest, in another book, 'God's wrath

against Stage-players;' and his misfortune it was, that, a few days after the publication, it pleased the Queen's highness to act a part in a masque at court; in consequence of which, by a simple inversion of the order of dates, it was set forth in the proceedings against him, that the ill-mannered epithets against actresses, with which his book abounded, were levelled at her Majesty*. Of the same class of victims, also were Bastwick and Burton; and, the year afterwards, John Lilburne, whose remarkable fate it was, (ever engaged in controversy,) to be ever the victim of some powerful and vindictive enemy, and to be made the martyr of his zeal by the Parliament in later times, as he now was by the court; by Presbyterians in the end, as he was by prelates at the beginning. Of him, and of his polemical spirit, it was once sharply said, that, if John Lilburne were left alone on the earth, John would quarrel with Lilburne, and Lilburne with John. His honesty, how-

* 'Ungrateful author!' exclaims a Roman Catholick writer, (Mayolino Bisaccioni, Guerre Civile d' Inghilterra,) 'did he not 'remember that it was a dance of a Queen (Anna Bullen) which 'first introduced schism and heresy into England?'

ever, is scarcely less clear than the courage which, as a controversialist and as a soldier, he so eminently displayed; and of the eloquence and vigour of his speaking and writing some splendid proofs are given among his defences, as well before the Star Chamber in 1637, and before the Court of King's Bench at Oxford, on his trial for treason in 1642, as before the Parliament, on a charge of libel brought against him by Prynne and the Presbyterians in 1645. He now began his sufferings in the pillory at the early age of nineteen, for having undertaken the publication of the works of Burton and Bastwick.

The security of the prelates was taken, jointly with the honour of the Queen and of the stage, under the powerful protection of the Star Chamber, and jointly avenged upon the persons of the victims, by a censure of fine and imprisonment, and the scourge inflicted with extraordinary cruelty, or the pillory, with the loss of their ears. These inhuman penalties were inflicted on all four in their entire and utmost severity*. Upon

* Whitelocke.—Rushworth.

Prynne, who had returned after his former mutilations to prison only to launch forth from thence fresh thunders against his proud tormentors, the punishment was renewed*, the stumps of his ears being rooted out with the knife, and his cheeks branded with a glowing iron. Lastly, to remove him and his fellow-sufferers to a distance, at which the spectacle and sound of their woes should be unmarked and forgotten, the sentence against all was extended to the term of their lives in fortresses beyond seas †. The bloody cruelty of the lash and the shears, and the torment of the hot iron dwelling on the flesh, failed to extort any expression of terror or of pain;—all suffered with a spirit of constancy and lofty cheerfulness deriveable only from their unmixed devotion to a cause, now rendered dearer and holier to them by the example of courage which they vied with each other in giving.

* State Trials.

† The Earl of Dorset, in declaring to Prynne the censure of the Star Chamber, is merry upon the operation of cutting off his ears, as tending to the use of 'those unlovely love-locks on both sides, which he hath inveighed against.'—Rushworth.

This enthusiasm had not only mounted above all fear of torture or of death, but had risen to an entire contempt of mercy at the hands of men. Acting—

'As ever in their great Task-master's eye,'

from Him only would they solicit, and from Him only accept, either direction or pardon. This may be a disposition ill suited to discipline men for the ordinary duties of subjects under a good government; but it makes them glorious foes to a bad one*. Nothing was

* From his prison in the Fleet, before trial, where he was suffering under privations which threatened to disable him from such exertion as his defence required, Bastwick apostrophized his persecutor the Archbishop. But the grounds of his proud remonstrance are limited to the obstacles which these hardships presented to the course of publick justice, and his petition is only for so much money as might be necessary to enable him to carry on his defence. The original of this curious letter is in the MS. collection at Lambeth.

'To Will: Canterburie, repentance and
'mercie from our Lord God.

'Sir, about three daies agoe there came to mee a messenger, 'not unexpected, whoe cited mee into the Starre Chamber to 'answeare to certaine crimes wch there be obiected against mee. 'It is well; neither am I affraid, neither doe I speke privily, to 'eschew the danger of the triall; onely let this bountie of your's, '(although you be a cruell man,) be granted unto us. It shall egg 'forward us miserable men, not onely in word but in deed. But 'one thing here is wch troubleth mee much; pouerty, and want

there in the aspect of affairs to inspire a hope of what a few years afterwards accomplished for them;—that they should all return in triumph from their banishment, restored and rewarded by a vote of Parliament. To Prynne, whose sufferings had not taught him moderation, was reserved a yet stranger fortune;—to be selected to conduct the impeachment which took away the life of the very prelate of whose relentless power he was now the victim.

Meanwhile nothing was spared to insult in their observances the whole party nicknamed

'of mony to wch your most deuouring prison hath brought mee. 'I beseech you therefore that you would take pittie upon mee, 'poore man, and to grant some small p^cell of mony out of your 'treasure, soe much as may suffice to paie the scriueners for 'copyinge out ye breifes, and articles; for, without copies, how 'shall the controversie be desided; without fees, the scribes' 'handes growe faint. But, yf you will not support the expenses, 'I will endeauour for this, that I, poore wretch, being altogether 'fallen into decaye, may be admitted in forma pauperis. Itt 'troubleth mee uery much that I sh^d interrupt you with my peti-'cion, you being at all times employed with weighty affaires. The 'necessity of ye times and of my fortunes is soe urgent that I can-'not commend my seruice to you w^thout some molestation unto 'your urgent occupations. How thou farest in thy pallace, de-'mandeth, in limbo patrum,

'JOHN BASTWICKE.

'*March 10th*, 1636.'

Puritans, and to further provoke that captiousness of feeling on all religious matters which had now extended itself over a large portion of the country. After the example of his father, the King renewed the proclamation for the encouragement of those sports and pastimes on the Lord's-day, which had been stigmatized by Parliament as popish, lax, and ungodly; and the practice of which, (innocent under proper limitations, and important to promote the cheerfulness of the labouring classes,) became, at this time, a license for irregularities most offensive to the sober and jealous feelings of those whom it was the purpose of the Government to oppress. Nor should it be overlooked, that, in opposing the proclamation for sports and pastimes, the Puritans were not actuated solely, as it has often been most unfairly represented, by an intolerant aversion from such harmless indulgences. A much more reasonable motive is discoverable by readers who may be persuaded to look into the proclamation itself before judging of the motives of it's opposers*.

* Rushworth.

By the words and by the effect of that proclamation, these sports were permitted only to such persons as had attended at the service of the Church of England; all being excepted who might, from disgust at the courtly doctrines then preached by that church, have preferred a discipline of their own; and a vexatious and insulting line of separation being thus drawn between the high-church conformists and the followers of a simpler mode of worship. This feature of the proclamation and of the resistance made to it, is kept entirely out of sight by Hume and others. On these points, however, and in their general conduct in politicks, the established clergy themselves were not united; although undoubtedly the great majority of that body, as has generally been the case with the priesthood of every state religion, clove to the Court, and therefore at this time favoured that ecclesiastical discipline which was represented, and not unjustly, as popish, with only the qualification of a domestick supremacy. It was described by Lord Falkland as being 'an English, though not a Roman, 'popery; so it seemed,' says he, 'their

'work was to try how much of a papist might 'be brought in without popery, and to destroy 'as much as they could of the Gospel, without 'bringing themselves into danger of being 'destroyed by the law*.'

Chief among that small body of the clergy who, after the death of Abbott, stood stoutly against the innovations of the high-church faction, was Dr. Morley, Bishop of Winchester, the intimate friend and companion of Hampden and of Arthur Goodwyn. With him, inferiour in rank, but not in abilities or integrity, was Dr. Hales, the Greek Professor of the University of Oxford, well known by the appellation of the 'ever me-'morable;' who has been singularly represented by a late biographer as having been reclaimed from some heterodox opinions by Laud. Reclaimed he certainly seems to have been from heterodox opinions at one time held by him; but as certainly not reclaimed by Laud, whose zeal, it is true, he respected, but whose theological acquirements, on the contrary, he appears to have rated extremely

* Speech concerning Episcopacy.—1641.

low; and whose formalities, and violences, and thirst of power, he held in extreme distaste. He, with Bishop Morley, was often found among that party of distinguished men who frequented Lord Falkland's house at Tew, that 'college,' as Lord Clarendon terms it, 'situate in a purer air*.' He was a man of great piety and a singular simplicity of manners, and had refused from Laud and others many offers of advancement in the Church. Nothing, we are told by Lord Clarendon, troubled him more than religious brawls; and his detestation of Romish tyranny arose more from the bonds it imposed upon free conscience than from the errors of it's creed†. He would often say that 'he 'would renounce the Church of England to-'morrow if it obliged him to believe that any 'other Christians should be damned; and 'that nobody would conclude another man to 'be damned who did not wish him so.' No man was more severe to himself; to other men so charitable, that he thought those who were otherwise to be more in fault for their

* Clarendon—Hist. Reb. † Clarendon—Life.

severity than those whom they impugned were for their errors; and that pride and passion, more than conscience, were the cause of all difference of communion; no doctrinal points on which men differed being fit to hold a place in any liturgy.

But far different in spirit was the more powerful party which had arisen in the Church, and, for a time, prevailed; which not only lay under the much abhorred imputations of 'formality and popery,' but openly avowed a tendency to Arminianism. It is clear that a mere speculative difference concerning the tenet of Absolute Decrees could not have influenced political principle or conduct. Indeed the proof, if proof were wanting, is, that in Holland the Arminian sect, which rejected the doctrine of preordination in the Calvinistick sense, was that from the bosom of which Barnevelt and Grotius arose to resist the power of the House of Orange, and that the sect of the Gomarists, who professed them in their most unqualified extent, was established and privileged by the Court. In England they had in these respects changed places, and the Arminians were the supporters of

arbitrary power, and the Calvinists of liberty. A leaning to this or that belief was then, according to a mode of conclusion too common in all times, held to be a test of political opinions. This must always be the case where the principles of civil government are so ill understood as to be made to interfere with free conscience, and where religion has been so warped in it's character as to have become an engine of civil government. In this fault undoubtedly a large party of the non-conformists shared equally with their persecutors. All that can be said for them is that, in England at least, they were not the first aggressors. Like many other persecuted sects of which there are examples in history, their intolerance grew with that under which they suffered. As the persecutors made conformity to a particular creed the passport to favour and privilege, so the persecuted made the adoption of it's opposite the test of a love of liberty, and the condition of being admitted to the honours of a fellowship in suffering. Such a spirit of religious uncharitableness can live only by persecution; by inflicting, or by enduring, it.

To such an extent had the Arminian doctrines won their way in Court favour, that Bishop Morley, being once asked by a grave gentleman, who was desirous to be informed of their tenets and opinions, 'what the Ar-'minians held?' pleasantly answered that 'They held all the best bishopricks and 'deaneries in England;'—'Which,' says Lord Clarendon*, 'with other like harmless 'and jocular sayings, brought upon him the 'displeasure of Laud.'

Of the class generally described as Arminians was Dr. Peter Heylin, afterwards well known as the principal instrument by whose means the King obtained, under the name of a benevolence, a large vote of money from Convocation, which Parliament had refused. He was engaged, as one of the King's chaplains, to answer Bishop Williams on the 'Discipline of the Church;' as also to publish an argument praying for punishment upon Prynne, Burton, and Bastwick; for which service he obtained the treasurership of the Cathedral of Westminster, and the living of

* Clarendon—Life.

Islip. He first recommended himself in 1633, by attacking, in a bitter sermon, and in the name of the whole church, the law of Feoffees for the purchase of impropriations. 'This 'sermon,' says his biographer, Vernon, 'he 'delivered to his endeared friend, Mr. Noye, '(Attorney-General,) who undertook their 'suppression in the King's name; and they 'were accordingly suppressed, in a judicial 'way of proceeding, in the Exchequer Cham-'ber:' a measure which, contrary to law, threw nearly all presentations at once into the hands of the bishops and the council*.

In this conflict between the high and low Church of England, Popery, which was not tolerated by law, yet throve by connivance. Though it's professors were not sheltered by a legal indemnity, yet the privileges which were secured to the Queen's household by treaty, and the countenance which, in consequence, the English Roman Catholicks did not fail to share, inspired them with confidence to look for better times. Meanwhile, they were abetted by the King himself, not,

* Vernon's Life of Heylin.

as it appeared, so much from a spirit of favour towards them, as from the wish to strengthen a party who, in common with him, saw their interest in further discountenancing the Puritans. Nor was it forgotten that Charles, in his famous letter to Pope Gregory XV., before his accession, had 'entreated his Holiness 'to believe that he had always been very far 'from encouraging novelties, or being a par-'tizan of any faction against the Catholick 'Apostolick Roman religion, and that he 'would employ himself, in time to come, to 'have but one religion and one faith, seeing 'that they all believed in Jesus Christ*.' To such, indeed, as candidly contemplate the events and temper of these times, and the manner of those conferences in which the Convocation maintained it's paramount power over all matters ecclesiastical, it will appear that the imputation cast upon the high Church, of being 'popishly affected,' arose in nowise out of a senseless by-word, loosely forged by an opposing faction. Exaggerated, perhaps, and perhaps unfairly generalized, it was yet to a

* Birch — Enquiry concerning Glamorgan's Transactions. — Rushworth.

great degree justified by some very remarkable instances*. The avenues opened by Laud for the admission of Romish forms and ceremonials, (the changings of vestments, the bowings before the altar, and the ejaculations in the Latin tongue, which he had so boldly restored,) invited, and, in time, admitted, certain more substantial interferences on the part of the Church and Court of Rome. At the famous conference holden in the Divinity School at Oxford, and conducted by Dr. Heylin, the Roman Catholic Bishop of Angoulême was present, as almoner to the Queen, in council upon the discipline and powers of the English Church†.

With the dissolution of Convocation, (and, even before the dissolution of it, on the defeat of it's assumed power to collect revenue,) ceased the importance of Dr. Heylin. In later times, indeed, charges were preferred against him in the Long Parliament, as a publick delinquent. Such an intimation, at such a crisis, did not pass unheeded by the approved servant of Laud. Warned by the storm which was gathering round his master,

* Rushworth. † Vernon's Life of Heylin.

but uninspired by the example of his master's courage, Heylin fled*; and thenceforward, throughout the troubles, was only known as the conductor and publisher of the 'Mercurius Aulicus,' at the head quarters of the King's army. He died, after the Restoration, Subdean of Westminster.

It was not, however, in the ambition and corruption of the clergy alone that the pretensions of prerogative sought support. The administration of civil justice was corrupted at it's source, by the removal of such judges and petty magistrates as refused to decide, contrary to their oaths of office, against persons disobeying the illegal requisitions of the several boards. Some country Gentlemen, who were the most obnoxious to the Government, (but, in much greater numbers, those who were the most devoted to it,) were named to serve as sheriffs†; the former in order to disqualify them from Parliament, or to harass them with ruinous fines; the latter to make them instruments of extortion against others who were thus placed under their jurisdiction. Barristers were checked, and solicitors

* Evelyn's Memoirs. † May.

threatened, and sometimes punished, for fidelity to their clients. Orders were issued from the Council Board, interfering with the settlement of private property, and, in all suits of the Crown, undue practices prevailed for obtaining verdicts*. The grossest venality was countenanced in all the departments of the law; promotion publickly sold, and the buyers repaid by authorized extortion from suitors†. Even the persecutions against the Roman Catholicks were made subject of pecuniary gain to the revenue, by the sale of pardons and indemnities.

* Appendix.—Commons' Remonstrance.—Parl. Hist.

† These abuses and grievances, it has been said, were not only exaggerated, but, in part, invented by the apologists of the Parliament. On the sale of judicial appointments, however, we do not rest only on the testimony of the Remonstrance of the Commons, and of the writings of such men as Peyton and Weldon, whose representations might have been warped by the warmth of their party feelings. Lord Clarendon avows it; and, in the Commonplace Book of Mr. Charles Cæsar, second son of Sir Charles Cæsar, and grandson of Sir Julius, is the following remarkable entry:—'June 14, 1640, Sir Charles Cæsar, knight, was sworn Master of 'the Rolls in Chancery, or assistant Judge to the Lord High 'Chancellor of England; for which high and profitable office he 'paid to King Charles the First fifteen thousand pounds, broad 'pieces of old gold, and lent the King two thousand more when he 'went to meet his rebellious Scotch army invading England.' A frank avowal, the truth of which is beyond suspicion; for Mr. Charles Cæsar had no intention of maligning the memory of that sovereign. On the contrary, with all the characteristick feeling of zealous partizanship, he enters the following, not very temperate,

Commissions, it is true, were, at this time, appointed to examine and regulate fees; yet, when great exactions were reported, not only were compositions accepted for past irregularities, but immunities offered for the future. Above all other courts, those of Star Chamber and High Commission were distinguished for their power and the unscrupulous manner in which they exercised it. The former of these consisted, for the most part, of the principal officers of the Crown, joined with whom were the Archbishop of Canterbury, the Lord Keeper, and the Lord Chief Justice. Under the two first Tudor Princes, often as many as forty persons sat in it; and, under Elizabeth, sometimes thirty. The number had since been reduced; but, during the reign of Charles, it again encreased, twenty-four or twenty-six members usually giving their attendance on important trials; and it's jurisdiction became nearly unbounded. Often, in former periods, this Court had inflicted fines,

notice of Hampden's death in a subsequent part of the same manuscript:—'June 18, 1643, Prince Rupert obtained a great 'victory in Chalgrove field, where Hampden, that arch rebel, a 'Colonel in the army of Roundheads, and also one of the five mem-'bers of the House of Commons in Parliament, was slain, and sent 'to hell.'—See Lodge's Life of Sir Julius Cæsar.

sequestrations, and imprisonments. It's powers and mode of judgment had always been very arbitrary;—but, till the reign of James, it had never committed any excesses; and, by it's constitution, had been calculated to afford cheap and speedy justice to the people. In many cases, doubtless, it had given redress where local influences would have rendered useless an appeal to a jury. It's censorship over the press had been despotick in principle, but exercised generally with mildness and wisdom. It was now that it first assumed and exercised the higher penal powers, of whipping, cropping of ears, slitting of noses, and other such barbarities. The latter of these tribunals, that of High Commission, had been created by Queen Elizabeth, for the trial of such causes ecclesiastical as did not fall under the ordinary jurisdiction of the bishops; some Lords of the Council and Doctors of Civil Law acting with them as Commissioners. Lord Clarendon observes that, though as high instances of power over the liberty and property of the subject may be found on the Council-books of Elizabeth, and in the acts of her Star Chamber, still the order and gravity with which that power was

administered made only the weight of the judgment felt, and not the passion of the judges. And truly is it said by him that 'Men are more passionate for injustice than 'for violence*.'

The situation and prospects of the country were now becoming daily more portentous†. The distaste to Parliaments, in which the King had been so fatally encouraged by all who had access to his person, was, about this time, thus exprcssed in that often-quoted letter of his to the Lord Deputy Wentworth. 'For the first,' (the not continuing the Parliament of Ireland,) 'my reasons are grounded 'upon my experience of them here. They 'are of the nature of cats; they ever grow 'curst with age; so that, if you will have 'good of them, put them off handsomely 'when they come to any age; for young ones 'are ever more tractable. And, in earnest, 'you will find that nothing can more conduce 'to the beginning of the new than the well 'ending of the former Parliament. Wherefore, now that we are well, let us content 'ourselves therewith‡.'

* Clarendon's Hist. Reb. Sir Philip Warwick. † May.
‡ Strafforde's Letters.

Luxury, impiety, and excess, prevailed amongst the higher orders; and the pompous ceremonial and fiery intolerance of the clergy opposed but a feeble barrier, if any, to their encrease. The sober minded, and of these the far greater proportion amongst the yeomanry and the country gentry, by habit and example endeavoured to stem the torrent which threatened alike the morals and the freedom of their country. Even those among them who were indolent or unskilful to watch the advances of prerogative still clove with reverence to the reviled customs and scruples of their simple life, and sadly, but irresolutely, saw all the ties loosening which bind a free and reflecting people to a government of law. Nor did the crisis they deprecated appear distant. Many foresaw that slavery must either be fixed upon themselves and their posterity, or shaken off by an effort such as no good man could but dread and deplore. Deprived of all prospect of relief from Parliament, forbidden by proclamation, forbidden from the bench, the pulpit, and the throne, to speak of asserting their ancient privileges in a parliamentary

way, they looked forward to the alternative with affliction and dismay; whilst the manners of a great part were so corrupt, that, unable to bear patiently the pressure of misgovernment, they were ill prepared to remonstrate with dignity*.

Although to Hampden's shrewd and cautious mind, deeply pondering these melancholy signs, the time seemed distant at which he might stir himself with effect, still he continued to bend all his views, studies, and pursuits, to that end. The passage in his favourite author, Davila, describing the retirement to which for a while the virtuous Coligny withdrew himself in Chatillon, and from which he saw the approaches of that civil war which he could not prevent, and in which his duty to his religion and his country pointed out to him a forward station, affords a striking parallel to the position of Hampden at this juncture of his life†.

* Whitelock.—Sir Philip Warwick.—Mrs. Hutchinson.—Clarendon.

† 'L' Ammiraglio, con la solita sagacità, quasi che volesse 'riserbarsi neutrale, per poter in ogni caso tanto maggiormente 'giovare al suo partito, retiratosi a casa sua nella terra di Ciatig-'lione, fingeva d' attendere al commodo della vita privata, senza 'pensiero alcuno delle cose publiche appartenenti al governo; il

These painful prognosticks of publick calamity were embittered by the severe wound which the death of his first wife had inflicted on his domestick happiness. She lies buried in the chancel of Great Hampden Church, where an epitaph on a plain black stone records her merits, and her husband's

'che non tanto faceva per potere occultamente favorire, con i consigli, e con l' opera, l' impresa commune; quanto che, stimando 'la troppo temeraria, e troppo pericolosa, dubitava di travaglioso 'incontro, ed' infelice fin.'—Davila, Guerre Civ., lib. i.

From this retirement, when Coligny came forth, it was, like Hampden, to further measures for religious liberty. Indeed there is a very marked coincidence between some of the principal circumstances which Davila enumerates as the causes of the civil war in France, and those that afterwards led to the scenes in England in which Hampden bore so large a part. The court of France, like that of England, was ill enough advised in it's persecution of sectarians to confound the love of liberty with an imputed aversion to the doctrines of the established Church, and, in it's proclamations, most unwisely used the terms 'Huguenot' and 'Royalist,' to express the two great conflicting parties in the State. In the French struggle, as in the Episcopal war of Scotland, it was the bishops who began the contest; and the Huguenots asked assistance, on the stipulations of a treaty, from Elizabeth, as the Scots were afterwards fain to do from France. 'Ma,' says Davila of the Huguenot preachers, and the words might be well applied to the preachers of the Covenant, 'i predicanti, che in tutte le deliberationi ottenevano grandissima autorità, ed erano a guisa d' oracoli 'venerati, allegavano non doversi tener conto di queste cose terrene, 'ove si tratta della dottrina celeste, e della propagatione della 'parola di Dio, e però convenirsi vilipendere ogn' altra considera-'tione, pur che fosse protetta la religione, e confermata la libertà 'della Fede.'—Davila, lib. iii.

affectionate regrets*. She left him three sons, John, Richard, and William; and six daughters. Of these, Elizabeth, the eldest, was married soon after to Richard Knightley, of Fawsley Court, in Northamptonshire, the son of an eager and distinguished fellow-labourer with Hampden in the cause of

* To the Eternall Memory
Of the truely virtuous and pious
ELIZABETH HAMPDEN,
Wife of John Hampden, of Great Hampden, Esquire.
Sole daughter and Heire of Edmund Symeon
Of Pyrton, in the County of Oxon, Esquire.
The tender Mother of a happy Offspring
In 9 hopefull Children.

In her pilgrimage,
The staie and comfort of her neighbours,
The love and glory of a well-ordered family,
The delight and happines of tender parents—
But a crown of Blessings to a husband.
In a wife, to all an eternall paterne of goodnes
And cause of love, while she was.
In her dissolution
A losse invaluable to each,
Yet herselfe blest, and they fully recompenced
In her translation, from a Tabernacle of Claye
And Fellowship with Mortalls, to a celestiall Mansion
And Communion with a Deity.

20 Day of August 1634.
John Hampden, her sorrowfull Husband,
In perpetuall testimony of his coniugal Loue,
Hath dedicated this Monument.

liberty. The second, Anne, was married to Sir Robert Pye, of Farringdon, in Berkshire. Besides these alliances, thus formed, Hampden had other connexions of kindred with persons prominent in the country party. Edmund Waller was, by his mother's side, Hampden's first cousin, and Oliver Cromwell was related to him in the same degree. Thus connected with families of influence in his own and neighbouring counties, he diligently improved his other resources. His mind richly stored with all the materials which are lent in aid by the examples of other times, his genius never more active than when taking counsel with itself in retirement, and his spirit never more resolved than when fitting on the armour which his wisdom had prepared, he awaited the time at which the publick indignation, already aroused, might gain a strength and constancy befitting the struggle whose approaches he foresaw.

Meanwhile Charles's policy, as weak and inglorious abroad as at home it was violent and rapacious, neglected all the opportunities which offered themselves, unsought, for forming alliances the most important to England.

Peace being concluded with the two crowns of France and Spain, on terms by which England was foiled in both the great objects which had led her into the war, the favourable occasion was lost, which the successes of Gustavus Adolphus and the consequent embarrassments of the Austrian empire had afforded, for assisting the Protestant cause in Germany, and for securing the restoration of Charles Lewis, the young Elector;—an object which Charles had always described as being dear to his heart. The English Court, though triumphant over the laws and liberties of the country, had little influence or reputation with foreign states. Our commerce was clogged with tributes on the high seas, and monopolies at home; and the British channel was vexed with the depredations of the corsairs of Tunis and Algiers. A dispute also had arisen with the Dutch, concerning the right of fishery, in which the talents of Selden and Grotius were opposed to each other upon the question of the dominion or freedom of the seas. But the reasonings of the British jurist remained unsupported by any show of power on the part of his country; and thus the 'Mare

Clausum' was open to the unmolested trade of every state but that one which claimed the undivided empire of the maritime world.

Every proof, however, of it's helplessness abroad was used by the English Government as a pretext for some new enterprize at home against law and publick right. The want of money to support the Dutch controversy by force was urged as the motive of a fresh attempt to levy it without authority of Parliament*. The sale of knighthoods and of other publick honours, ('the envy and re-'proach of which,' according to Lord Clarendon, 'came to the King, the profit to other 'men,) had already reached its utmost limits; and the duties imposed upon merchandize, in many cases, amounted to prohibition; but, in many more, were evaded without difficulty or disguise. At length, by the advice of the Attorney-General Noy†, and of Chief Justice

* Clarendon—Hist. Reb.—May—Parl. Hist.

† Lloyd, in his State Worthies, gives a character of Noy which is very remarkable for this singular contradiction; the first sentence praises him for honesty, and the next but one describes him, in very caustick terms, as having changed the principles of his publick conduct for advancement at court. 'William Noy was a 'man passing humourous, but very honest—clownish, but knowing;

Finch, (' the one,' says Lord Clarendon, ' knowing nothing of, nor caring for, the ' Court, the other knowing, or caring for, no- ' thing else,') a writ was issued, October 20, 1634, addressed to the sheriffs of the city of London, requiring a supply of ships duly manned and otherwise equipped, under pretence of providing for the safety of the kingdom, and for guarding the dominion of the seas.

This was the impost of the ship-money; ' A word,' says Lord Clarendon, ' of a lasting ' sound in the memory of this kingdom;' a project which, in it's progress, made the divisions between the King and Parliament irreparable, and, in it's consequences, led to the misery of eleven years of almost uninterrupted civil war*. To the project of the ship-money may be justly traced, as to the

' a most indefatigable plodder and searcher of ancient records; ' verifying his anagram—I moyl in law. He was for many years ' the stoutest champion for the subjects' liberty, until King Charles ' entertained him to be his attorney. No sooner did the King ' show him the line of advancement, but, quitting his former in- ' clinations, he wheeled about to the prerogative, and made amends , with his future service for all his former disobligements.'

* From the first Episcopal War in Scotland in 1640, to the ' crowning victory' of Oliver at Worcester.

proximate and special cause, the dispute which, directing the whole enmity of the Court against the most able and resolute and popular person in the country, inflamed a spirit fierce and powerful enough, in the end, for the entire overthrow of this ancient and mighty monarchy.

There are certain passages at which the mind naturally pauses, as at landmarks and resting places, in it's progress through the history of mankind, which seem as though they had been designed to establish some great axiom in morals and in government. These are strongly marked in the English history. The attempts of King John to load the country with new feudal exactions, to invade the rights of property in general, and to surrender the independence of the Crown to the papal see,—united, for the first time, in one bond of interest, nobility, clergy, and commonalty, and produced the Great Charter. Thus, also, the abuses, corruptions, and extortions, of the popes, Julius II. and Leo X., forced forward our separation from the Church of Rome. Thus, also, in more modern times, it was the senseless bigotry of James II.

which, (not content with re-establishing popery, but aiming at absolute tyranny also,) by the very act of attempting at one encounter the overthrow of religion and freedom, confirmed both, and caused it to be first declared by Act of Parliament, that the sovereign power is held on conditions which may be regulated and enforced by the estates of the realm.

All these revolutions have been successful and permanent, because produced, not by a mere appeal to abstract principles or speculations, but by the pressure of practical and weighty grievances. Nor can we fail to recognize, in the event upon which we are now entering, one of the four great passages in our history, out of which has gradually arisen and been compacted a system of liberty which we may hope will endure, without further struggle, through every succeeding age. The first ship-money writ may be considered as the foundation, though laid by no friendly hand, on which was afterwards to be reared the stoutest buttress of our English constitution, the entire and undisputed controul of Parliament over the supplies.

PART THE FOURTH.

From 1635 to 1640.

Ship-Money—The Levy extended to Inland Places—Motives lately imputed to Hampden for his Opposition to it. The grounds of that Imputation examined—Hampden, and Thirty other Freeholders of the parish of Great Kimble, in Buckinghamshire, refuse Payment—Sir Peter Temple, the High Sheriff, summoned to answer for Arrears—Disconsolate Letter from him to his Mother—Proceedings against Hampden—Judges declare for the Crown—General discontent of the Country—Emigration of Puritans—Prohibited—Hampden and others detained—Independents and Presbyterians begin to separate—Insurrection in Scotland, and First Episcopal War—Treaty of Berwick—Short Parliament summoned—Hampden quits, for the last time, his Retirement in Buckinghamshire.

PART THE FOURTH.

From 1635 to 1640.

No sooner was the ship-money project made known than it met with a firm and open opposition. Although it had very probably been calculated by the authors of that measure, that a certain feeling of national vanity on the part of the country generally, and even of remote interest on the part of the merchants, whose cargoes were in constant danger of capture at sea, might command a ready consent to the declared purpose of the contribution, still it encountered, even at the outset, much murmuring, and some active resistance. For, after the common council of London had in vain pleaded by address their ancient privileges, payment was refused, (on the Act De Tallagio Non Concedendo, and other publick statutes,) by Richard Chambers,

a merchant, who had before been honourably distinguished for his courage and his sufferings*. At first the requisition, although extended beyond the city of London, was limited to the maritime towns, and thus attempted to be justified upon the alleged precedent of that made by Queen Elizabeth at the period of the Spanish Armada, when her appeal to her people had been promptly and liberally answered. At that time every seaport had supplied armed vessels, one or more, each; and the citizens of London had furnished thirty, although only fifteen were required of them; and between forty and fifty had been fitted out by the voluntary sub-

* Nothing can be more remarkable than the sustained boldness of Chambers's deportment during the previous proceedings against him in the Star Chamber. They were for words spoken against the claim of the King to tax the subject, in the matter of 'a case of silk grograms,' the property of him the said Richard Chambers, illegally detained by the custom-house officers, after security had been given for the payment of the duties due by law. At last, being fined by the Court in the sum of 2000*l.*, and committed to the Fleet, a form of submission was read to him, by order of the said Court, confessing his fault, and craving pardon of the King; under which he wrote the following words:—'All the abovesaid 'contents and submission I, Richard Chambers, do utterly abhor 'and detest, as most unjust and false; and never till death will 'acknowledge any part thereof.'—See State Trials.

scriptions of the nobility and gentry throughout the kingdom*.

A fleet, however, of sixty ships of war being at length collected, upon the strength of contributions, paid in, principally, by the small towns along the coast, for the purpose of securing the trade in the narrow seas, Charles was advised to disregard the tokens of encreasing discontent, and to urge still further this ill-omened design. It was now determined to extend the tax to inland places, which, notwithstanding the appearance of an option to contribute either in money, or in ships properly manned and victualled for six months, would, from their situation, be under the necessity of making their contribution in money, applicable by the King to general objects of revenue. In the following year, therefore, (1636,) the charge was laid, by order of Council, generally on all counties, cities, and corporate towns; and all sheriffs were re-

* 'It was wisely said of that great and grave counsellor, the 'Lord Burleigh, in the like case of the late Queen, "Win hearts, '"and you have their hands and purses." And I find that, of 'late, diffidence hath been in the one, and hath, unhappily, pre-'vented the other.'—Rushworth.—Sir Robert Cotton's Advice touching the Present State of Affairs.

quired, in case of refusal or delay, to proceed by distress. To cloathe this process with a better appearance of formality, the judges were directed, by the Lord Keeper Coventry, in the Star Chamber, at the close of Midsummer Term *, to promote it throughout their circuits, by laying it down as law in their charges, and by every other means of persuasion †. But, though some of that body acted with great zeal and alacrity in this particular, their success was small. Letters of instruction were addressed from the Council Board to the several sheriffs, exhorting them to proceed with the greatest precision and dispatch, and with the strictest regard to equality in the levy. With this intent, schedules were sent to each sheriff, containing the list of all counties, cities, and corporate towns, together with the proportions in which each was rated, to the end that each district and community might be made aware that the contribution was enforced impartially. These schedules present a view of the comparative wealth and importance of these places, which is remarkable for the contrast it affords with their

* Rushworth. † Strafford's Letters.

condition in the present times. It will appear that the towns of Lancaster, Liverpool, and Preston, which (taken with Manchester) now contain more than half the commercial and manufacturing capital of our country*, were then rated at an amount below that which was charged on several of the smallest of those western boroughs, whose names have in later times been barely known beyond the limits of their county, but as places furnishing representatives to the British empire. It seems as if the general influence of these small places, and perhaps their privileges of election also, had arisen partly from their proximity to the Royal stannaries; but partly too, and principally, from their having been, for ages, the places of refuge from the elements and from the enemy, for the trade with Spain and the West Indies in it's passage up channel. It is probable that the privileges enjoyed by the Cinque Ports, and by the other boroughs near the French coast, were granted on account of the importance which those places

* In 1827 the number of ships unloading at the port of Liverpool exceeded, by three or four, that of the merchant ships that entered the Thames during the same year.

derived from their nearness to the possessions anciently held in fee by the Crown in Normandy and Aquitaine*.

It is a slight and imperfect view of this impost to consider it only as one levied without and against the consent of Parliament, and, therefore, against law. It proclaimed a principle of confiscation, and established a machinery, for the purpose of giving effect to it, which was quite incompatible with all the rights of property. This principle had been hinted at, and approached by, the Crown on many former occasions, and in divers ways, by benevolences, and under other names; but never till now had it been introduced into any regular system of taxation. Yet, odious as the assessment was throughout the country, and imperfectly collected even from the beginning, it early became a productive means of revenue. In the first year, upwards of 200,000*l.*, clear of all charges of collection, were paid into the treasury on the ship-money account†.

* For a copy of one of these schedules, addressed to Sir Peter Temple, and among his papers at Stowe, and differing a little from that in Rushworth, see Appendix C.

† Whitelocke—Rushworth.

It was against this project that, in the spring of 1636, Hampden resolved to make a decisive stand. He accordingly took counsel with Bulstrode, Whitelocke, Oliver St. John, Holborne and others of his immediate friends, concerning the means of trying the issue at law*. The writ, which was directed in the autumn of 1635 to Sir Peter Temple of Stowe, then High Sheriff of Buckinghamshire, required that county to supply a ship of war of 450 tons burthen, and 150 men, fitted out with cordage, munition, and other necessaries, before the first of the then ensuing March, and from that time, to provide mariners' wages and provisions for twenty-six weeks; or, in lieu thereof, a sum of 4500*l.*, to be levied upon the inhabitants, and returned to the Treasurer of the Navy for the King's use†. As might

* Whitelocke.

† To all persons recollecting that, of all places in England, the centre of Buckinghamshire is the most nearly equi-distant from the four seas which surround the island, but especially to such persons as are locally acquainted with the parishes mentioned in the writ, and with the habits of the people, so little cognizant of maritime affairs, the requisition tells the story of its own preposterous injustice rather whimsically. It runs thus:—'To the sherriff 'of our county of Bucks, the bailiff and burgesses of the borough 'and parish of Buckingham, the mayor, bailiff, and burgesses of 'Chipping Wiccombe, and the good men in the said boroughs,

have been expected from a county which, by reason of its central position and the high publick spirit which prevailed amongst its gentry, was well disposed to be forward in resisting so arbitrary a demand, the return proved most unsatisfactory to the court. The defaulters were numerous, and some stated, boldly, publickly, and peremptorily, the ground of their refusal. But, no sooner was the name of Hampden seen among

' parishes, and their members ; and in the towns of Agmondesham,
' Wendover, and Great Marlow, and in all other boroughs, villages,
' hamlets, and other places in the s^d^ county of Bucks, greeting :
' —Because we are given to understand that certain thieves, pirates,
' and sea robbers, as well Turks as others, confederated together,
' wickedly take away and despoil the ships, goods, and merchan-
' dizes, &c. . . . We firmly enjoin you, as you love us and our
' honour, as also under the forfeiture of all things you can possibly
' forfeit to us, that you cause to be fitted out one ship of war, of
' the burden of 450 tons, with men, as well skilful officers, as able
' and experienced mariners, a hundred and four score at least; as
' also with a sufficient quantity of cannon, muskets, gunpowder,
' pikes, and spears, and other arms necessary for war, with double
' tackling, &c., &c. . . . . And that you cause the same to be
' brought into the port of Portsmouth before the s^d^ 1st day of
' March, so that they may be there that day at furthest; thence to
' proceed with our ships, &c. . . . . And moreover to assess
' every man in the aforesaid towns, and in the members thereof,
' &c. . . . not having the ship aforesaid, or any part thereof,
' or not serving in the same, to contribute to the expenses about
' the provision of the necessary premises, &c. . . . every one of
' them according to their estate, and goods, or employment,' &c. &c.

this number, than, as if by one common desire that the conflict should be decided in the person of a single champion, the eyes of the court and of the people were alike turned on him. He stood the high and forward mark against whom the concentrated wrath of all the penalties was to be directed. The condition of his fortune, and the small amount of the sum in which he was assessed, sufficiently established his case as the best for determining the principle of a demand, important to the court, not only as a fruitful source of revenue, but as supplying a precedent entirely decisive against the popular cause. Upon a rate, therefore, of thirty-one shillings and sixpence, he resolutely proceeded to rest for himself, for his country, and for posterity, this great and signal act of resistance to arbitrary taxation.

And here it becomes necessary again, in a few words, to take notice, (as a sample of the imperfect evidence on which historical impressions are sometimes received,) of another passage in Mr. D'Israeli's 'Commentaries on the Life of Charles the First.' 'I have been informed,' says that gentleman, (speaking of

the ship-money,) 'of papers, in the possession of a family of the highest respectability, 'which will shew that Hampden had long 'lived in a state of civil warfare with his 'neighbour, the Sheriff of the County. They 'mutually harassed each other. It is probable that these papers may relate to quarrels 'about levying the sixpence in the pound on 'Hampden's estate, for which he was assessed. It is from the jealousy of Truth 'that we are anxious to learn whether the 'sixpence was refused out of pique to his old 'enemy and neighbour the Sheriff, or from 'the purest, unmixed, patriotism*.' Disputes concerning the private motives which may influence the publick acts of men are difficult to undertake, and hazardous to decide upon; and it is a bold inquest to institute, even 'from the jealousy of Truth.' We are invited, however, to try whether Hampden be justly chargeable with the deep guilt of having been moved by a base private pique, (concerning an assessment of sixpence in the pound, as Mr. D'Israeli incorrectly states,) to

* Commentaries on the Life and Reign of Charles the First. Vol. ii., p. 290, *et seq.*

a resistance, in which, according to the same writer, ‘ he afterwards drew his sword to shed ‘ the blood of half the nation !’ It is not often that to imputations so insinuated a negative can be proved ;—but in this case it may. Sir Peter Temple was the Sheriff whose official act it was to enforce this ill-founded demand, and to whom, in this matter, Hampden was opposed, and on whose writ the issue was tried. His papers and correspondence are at Stowe, and I have carefully examined them. There is not, in that collection, the shadow of evidence of any private pique or quarrel ; nor does the Sheriff, nor do those before whom the case came to trial, nor does Lord Clarendon, or any other writer equally unfavourably disposed towards Hampden, impute or appear to suspect any such motive. If it be to the papers of any other Sheriff than Sir Peter Temple that Mr. D’Israeli alludes, he has been deceived as to the person with whom that great question was contested by Hampden. It may also in this place be observed that, where the same writer represents Hampden at a subsequent period of his life as ‘ to be viewed at the head of his

'Buckinghamshire men, inciting thousands 'to present petitions*,' he says that for which he adduces no authority. There is no ground for asserting that Hampden 'incited' the famous petitions from Buckinghamshire to the King and to both Houses; and there is this reason, at least, for concluding that he was not at the head of the petitioners; that he was then, and had been ever since the occurrence which occasioned those petitions, concealed in the city of London, and guarded by the citizens against the search made for him and for the other four members by Charles.

But Mr. D'Israeli, as we have already seen, is not always careful in his references. At the close of the same passage, he says of Pym, 'one would have wished that the 'man whose character has incurred the taint 'of a suspicion of having taken a heavy bribe 'from a French minister, had been graced 'with purer hands.' He says, in a note, 'I 'write this down from recollection, and can-'not immediately recover my authority.' It might be superfluous to offer any remarks on

* Commentaries on the Life and Reign of Charles the First, Vol. ii., p. 292.

the propriety of making such a charge as that of corruption, on authority which he who makes it cannot 'immediately recover.' The authority on the recollection of which it is made, (for there is no other,) is Lord Clarendon's, who thus states the grounds of the imputation. 'And some said boldly, and '*(an obscure person or two)* have since affirmed 'it, as upon their knowledge, that Mr. Pym 'received five thousand pounds from that 'French minister to hinder that supply to 'Spain*.' The words inserted in Italicks, and which bear so importantly on the credibility of the charge, had been suppressed by the committee who first published Lord Clarendon's History, but were restored from the manuscript, in the ungarbled edition which, much to the credit of the University of Oxford, was published by that body in 1826. Mr. D'Israeli would have perceived, if he had assisted his memory by referring to the only existing authority for this story, that Lord Clarendon, instead of giving it his countenance, as his first Editors would have made it believed, inserts these five words for the

* Clarendon—Hist. Reb., Vol. i., p. 493. Edit. Oxon., 1826.

express purpose, as it should seem, of discrediting it.

Finally, Mr. D'Israeli makes this remarkable observation. 'Whether Pym be too deeply calumniated I will not decide.' To calumniate is to asperse untruly. What is the precise extent to which this gentleman is of opinion that Pym ought to be calumniated, I do not stop to enquire. My business is with Hampden; and, with respect to his motive in resisting the levy of ship-money, it might be permitted to ask on what information Mr. D'Israeli has assumed a fact so injurious, and then proceeded, upon that assumption, to deface a monument of publick virtue which has been respected by most Englishmen for more than a century and a half?

On the 25th of January, 1635-6, new sheriffs having been in the interval appointed, a writ was issued, directed 'To Sir Peter 'Temple, baronet, late High Sheriff, and 'Heneage Proby, Esq., now appointed High 'Sheriff for the county of Bucks*,' directing the one to deliver, and the other to receive,

* See Appendix D.

the original warrant, as well as all accompts and returns concerning the levy of the former year. This return was accordingly made by the assessors of the different parishes; and, among others where payment had been delayed, by those of the parish of Great Kimble, a village at the foot of the Chiltern Hills, round which the principal property of John Hampden lay, and in the immediate neighbourhood of his house. The return contains the names of those who, with him, had tendered their refusal to the constables and assessors, together with an account of the sums charged upon each person. Among the names of the protestors, it is to be observed that the constables and assessors have the courage to return their own; and, at the head of the list, stands that of John Hampden, as a passport for the rest to an honourable memory, so long as the love of liberty shall retain a place in the hearts of the British nation.

Annexed is a fac-simile from the original return, which is among the papers of Sir Peter Temple, at Stowe.

A protest thus made by a private gentle man, although backed by the concurrent conduct of the Lord Say and Sele, and some others of lesser note, was not likely to be an effectual warning to a temper like Charles's, or to deter him from pursuing an enterprize so long and so maturely arranged. By a warrant, therefore, from Hampton Court, (dated June 24, and signed by Laud, Coventry, Juxon, Manchester, Wentworth, Vane, Cottington, and Windebank,) the late High Sheriff was summoned to answer for default of arrears; and it appears that, he being unable, from ill health, to give his personal attendance on the appointed day, such were the jealousy and rage of the Court, that he was kept for a considerable time in custody of a messenger, at his own house at Stowe. A letter, written by Sir Peter to his mother, while he was suffering under this grievance, and expecting worse, gives a lively picture of his disconsolate condition, and of the relentless rigour with which the Government proceeded against it's own helpless and unoffending officer.

'DEARE MOTHER,

'In haste I write to you. I, hauinge 'my handes full, cannot write to you with my 'owne handes, I hauinge byne latelye ill at 'London, and takeing physicke. Yet muste 'I leaue the meanes of my health to doe the 'Kinge seruice. I was sente for on the 30th 'of June, by a messenger, to attend the 'Kinge on Sundaye the 3d of July, about the 'shippe-moneye; wherein I am blamed for 'the Sherriffe's actions that nowe is, and am 'compelled wth a messenger, nowe wayteing 'on me, with all the distresses and imprisone-'ings that maye be imposed on the countrye. 'But the Sherriffe muste answere what is done 'by me in the future tyme. I am to attende 'the Kinge at Theobaldes, on the 17th daye 'of July, to giue an accompte to him what I 'haue done in the seruice, and, as he likes 'my proceedinges, I am to continue in the 'messenger's hande, or be releassed, or worsse. 'My lyfe is nothinge but toyle, and hath byne 'for manye yeares, to the Comonwealth, and 'nowe to the Kinge. The change is some-'thinge amended for the pressent, but yet 'released of neither. Not soe much tyme as

'to doe my dutye to my deere parentes, nor 'to sende to them. Yett I hoped that they 'wolde haue sente for a bucke, or what Stowe 'wolde afforde, before thys tyme. But, seeinge 'they will not, I will spare myselfe soe much 'tyme as to pressente nowe unto them one by 'thys bearer.

'Although I am debarred from father, 'mother, wife, and chilldren, and state,— 'though some of them farre absente,—wyth 'thys I pressente my dutye, wyth these un- 'happye lynes, and remayne

'Yo^r Sonne, that loues and honoures
'my father and you,
'PETER TEMPLE.

'*Stowe, thys 8th of July*, 1636.

'To his deere mother, the Lady Hester 'Temple, at Dorsett, theis pressente.'

By advice of Chief Justice Finch, the King now required the opinion of the twelve judges. The queries were propounded in a form not unusual with those who, in putting their case, desire only to strengthen their own preconceived opinions or determinations with the sanction of a learned authority. There is a

mode in which Kings may so propose their questions to lawyers as clearly to shew what is the answer that will best meet the Royal purpose. It was demanded, 'Whether, when 'the general safety was concerned, and the 'whole state in danger, he might not, by writ 'under the great seal, legally compel his sub-'jects to furnish as large a number of ships 'for it's defence, and for as long a period, 'as he might think necessary; and whether, 'in such a case, he were not the sole judge 'of the danger, as well as of the means of 'preventing it*?' Thus assuming not only this vast prerogative, but also the whole discretionary power of declaring it's limits, and of determining the occasions on which it should have the force of law;—a compendious definition of purely arbitrary power.

After much solicitation, and not without certain hopes of preferment held out to some, and threats to others, an answer was obtained, February 14, 1636-7, in favour of these propositions in every particular†. But, although this opinion was signed by all the judges, they were not unanimous in their decision.

* Rushworth. † Whitelocke.

Crook and Hutton, who had strongly opposed it in a long and solemn argument, had the weakness to be at last prevailed upon to sign it, as the opinion of the majority; an assurance being given by their brethren that they should not be held bounden thereby in giving judgment, whenever such a question might be tried by them in Court*. A plain inconsistency. On whatever principle they were bound to subscribe to the opinion of the majority as law, they would in like manner have been bound to lay it down as law upon trial also. But, notwithstanding the assurance which had been given them, the opinion was instantly enrolled in all the courts of Westminster Hall as an unanimous one, and directed to be so published throughout the realm.

Whilst this proceeding was distasteful to many, as well lawyers as others, as being new in principle, and of evil tendency in respect of precedent, it was loudly applauded by the Court party, who cared not to dissemble their joy. 'It is plain, indeed,' said Lord Wentworth, 'that the judges, declaring the law-'fulness of the assignment for the ship-

* Rushworth.

'ping, is the greatest service that profession 'hath done the Crown in my time. But, 'unless his Majesty hath the like power 'declared to raise a land army upon the same 'exigent of state, the Crown seems to me to 'stand but upon one leg at home, and to be 'considerable but by halves to foreign princes 'abroad*.' And, again, after some pregnant advice respecting the foreign policy, he adds, 'and hereby also insensibly gain a precedent, 'and settle an authority and right in the 'Crown to levies of that nature; which thread 'draws after it many huge and great advan-'tages, more proper to be thought on at some 'other seasons than now.'

But, although this impure and collusive decision of the judges was thus regarded with complacency by Wentworth, and hailed by him as the forerunner of further 'huge and great advantages,' it encreased the uneasiness of the country. The exaction of the ship-money, after this declaration of it's legality, was even more generally and systematically opposed than before† With whatever joy

* Strafford's Letters. † Clarendon—Hist. Reb.

the courtiers received this 'rescue,' as they termed it, of the prerogative royal, and re-establishment of the power and glory of the Crown, the indignation of the country party was not slow in manifesting what was, on their side, felt respecting the part taken by the lawyers in efforts so clearly tending to bring the Monarchy itself into weakness and jeopardy. A sovereign, more calmly observant of the course of the times than Charles was, would sooner have taken warning of the great danger of tainting the administration of justice, and thus diminishing the honour and reverence of the bench. For, as a corrupt judicature is the most formidable engine of arbitrary sovereignty, so long as the judicial authority is still owned and obeyed through the realm, fearful, indeed, when it's moral influence has been thoroughly impaired, becomes the condition of the sovereign through whose wicked and short-sighted policy it was corrupted.

No sooner was this decision recorded than directions were given to the crown lawyers to proceed against Hampden as the principal

defaulter. He had cast himself behind the defences of the law. The lines were still entire; the watch-towers and ramparts stood, but dismantled; and the garrison, for the most part, were corrupted or dismayed. A writ of Certiorari was, on the 9th of March, directed from Chancery to Sir Heneage Proby; and, on the 5th of May, a writ of Mittimus was sent into the Court of Exchequer, commanding that proceedings should be commenced there. In consequence, on the 20th of the same month, a writ of Scire Facias was awarded against Hampden, requiring him to shew cause why the sum assessed upon him by the late sheriff of Bucks should not be satisfied; and, further, enjoining him to abide the order of the court. The assessment selected was of twenty shillings, charged upon him in respect of his lands in the parish of Stoke Mandeville, adjoining to Great Kimble. To this he appeared in Trinity Term, and prayed oyer of the original writ, and of each subsequent proceeding. On their being read to him, he demurred generally in law, complaining that, by such proceedings, he had been unjustly and griev-

ously disquieted, and that the matters contained in the divers writs and returns were not sufficient to legally oblige his complying with them, or his accounting in any other way for his refusal to do so. The Attorney-General having joined issue on the demurrer, the record was made up, and the barons, adjourning the argument to the Exchequer Chamber, desired the assistance and judgment of the whole bench.

The point of law was argued in Michaelmas Term, from the 6th of November to the 18th of December*; on the part of Hampden, by Oliver St. John and Robert Holbourne; and, for the Crown, by the Attorney-General, Sir John Banks, of Corfe Castle, and the solicitor, Sir Edward Littleton†. The crown lawyers insisted on precedents of ancient writs, from the Saxon times downwards, requiring ships for the defence of the nation, sometimes at the charge of a county, some-

* Rushworth.

† St. John and Banks each took three days, and Holbourne four, for his argument. Their speeches alone occupy one hundred and seventeen pages in Rushworth. Important as they are, I do a better part by the reader in referring to them, than I should by quoting them at length.

times of a port only. They cited precedents from the rolls of the early Parliaments of Edward I. and Richard II. to shew that the Commons had acknowledged the right in the King not only to impress men, but to levy money in aid, 'as belonging to the wars.' They put the argument, 'ad absurdum,' thus, 'Is the King to direct the war, and yet shall 'he have neither men nor money without 'asking his subjects' leave?' They argued the fairness and equality of the levy, and the wealth and station of Mr. Hampden, contrasting it with the insignificant amount of the sum charged upon him in respect of each of his estates—'If he be too highly assessed,' it was urged, 'he might call the sheriff in question. 'But the sheriff of Bucks is rather to be fined 'for setting him at so low a rate as twenty 'shillings. We know what house Mr. Hamp-'den is of, and his estate too. For anything 'I know, it might as well be twenty pounds. 'But, to the legal part, some one must be 'trusted with it, and who should be but the 'sheriff? and the parties not without remedy, 'if over rated*.' These, with accumulated

* State Trials.

precedents of taillage, benevolences, and other such imposts, as well as of impressments of men, and ships too, by warrant in cases of emergency, were the principal topicks used in the case for the Crown; enforced always by strong appeals to the court on the necessity of giving the King free use of such means as might be necessary to vindicate the national honour, and protect the trade, at sea, and particularly when they were insulted by the pirates of the Barbary States, and menaced by the navies of other nations. St. John, on the other part, well justifying his already established reputation for learning and boldness, supported his argument with great weight of authorities; resting his case against the whole proceeding upon the fundamental principles of the constitution, upon the terms of the Great Charter, upon the statute de Tallagio, and upon the declaratory matter of the Petition of Right, so lately passed, and so stoutly contested in all it's clauses, confirmatory of preceding acts. Holbourne followed; and argued on wider grounds of history, law, and civil policy. He rejected precedents of emergency in remote times as explanatory of

statutes which had, in those extreme instances, been violated or set aside, and turned against the crown lawyers their cases of illegal practices of ancient memory, now urged to take away the force of Acts of Parliament. But, when he distinctly pointed towards the general principles of free government, and towards the danger of these violent acts of power to the Crown itself, he was, more than once, checked from the bench. At length, the judges prepared to deliver their opinions in court; and, to give the greater solemnity to their judgement, they argued the matter largely in the three succeeding Terms. Weston, Crawley, Berkeley, and Vernon, who gave judgement, two in a day, in Hilary Term, were unanimous in favour of the Crown. But when, in Easter Term, the matter was resumed, a great diversity of opinion arose. Trevor spoke for the legality of the writ, but Croke concluded as directly against it. According to Whitelocke, Croke was preparing, against his own conscience and conviction, to give judgement for the King. But he was reproached for his baseness by his wife. This noble lady cast the

shield of her feminine virtue before the honour of her husband, to guard it from the assaults equally of interest and fear; and, with that moral bravery which is so often found the purest and brightest in her sex, she exhorted him to do his duty, at any risk to himself, to her, or to their children;—and she prevailed.

A few days after, when Judge Jones, treating the case somewhat doubtfully, decided for the King, but with the condition that no part of the money should go in aid of the privy-purse, Hutton strenuously denied the validity of all claim on pretence of the prerogative; and, maintaining that the scire facias could not lie, advised that judgement should be given in all respects for Hampden*. The deliberate opposition thus made by two judges, whose expressed opinions from the first had never varied, was productive of a very great effect. The opposers of the ship-money everywhere took heart. It proceeded slowly and laboriously in the collection. The assessments were made with hesitation and reluctance, and the arrears were daily increasing.

* Rushworth.—Append. to Rushworth.—State Trials.—Whitelocke.—Clarendon—Hist. Reb.

In Trinity Term, the two remaining judges gave sentence. Denham, absent on two certificates of ill health, declared, in writing, for Hampden; and the Chief Baron Davenport, in his argument, followed the same course. But the Chief Justices, Finch, and Bramston, having, on the 9th of June, concluded against him, the sentence of the majority was for the King. On the 11th, therefore, the Attorney-General moved that the decision should be entered, and prayed judgement on the record the following day*.

While this conflict of opinion among the Judges left the result in doubt, the attention of the country was steadily at a gaze. The great principle at issue was never lost sight of, and, as the judgements proceeded in succession, the pervading sense of a common interest, which the court might not have been without hopes of wearying out by the great length and slow pace of the discussion, became more and more intense. Once declared, the award excited an equally general and deep disgust. The Lord Say, who had begun the same contest in Warwickshire, (where,

* Strafford's Letters.

under his influence, and that of the Lord Brooke, the popular principles had spread almost as widely as they had in Buckinghamshire under Hampden,) now attempted, but in vain, to procure a trial in his own case. 'By the choice of the king's counsel,' says Lord Clarendon, 'Hampden had brought his 'cause to be first heard and argued; and 'with that judgement it was intended that the 'whole right of the matter should be con-'cluded, and all other cases overruled*.' The record already obtained on this memorable occasion, (on which, says a court writer, 'Monarchy and Liberty were permitted to 'plead at the same bar†,') had been much too valuable to the pretensions of the King to be put to the hazard of a fresh and doubtful issue. But the question could not be thus set at rest, nor the strong excitement which it had occasioned subdued. It is seldom the inclination of a multitude to support one man in resisting a grievance which they have collectively been forced or persuaded to endure. Nay, more. There is sometimes in our nature a sense of personal triumph, a very base

* Hist. Reb. † Royal Martyr.

one, which is gratified by seeing others fail in an attempt to withstand that to which we, before, have tamely submitted. Thus it is, that the first enterprizes of this sort are usually rather regarded with jealousy, than accompanied by any lively demonstrations of countenance or applause; and this is a vice of which a crafty government is seldom slow in availing itself to its own advantage. But, on this occasion, the minds of men reasoned more largely, and their hearts were influenced by a purer feeling. It was fortunate for freedom that, after all particular precedent set up on the King's part had been shewn* to fail him, his case was argued on general principles, easy to be weighed and understood, and upon lapsed notions of prerogative royal, which a succession of numerous statutes, from Henry the Third's time downwards, had been framed to cancel and supersede†. Every low and unworthy sentiment of personal jealousy, every short-sighted calculation of more or less personal grievance or advantage, gave place to a conviction that, together with the doctrines of which Hampden had now become the champion, and by dint of those

* Clarendon—Hist. Reb. † Rushworth, App.

with which Finch had so wantonly overlaid the case of the King, the dearest rights of all were placed in jeopardy. This feeling, as one which had been gravely adopted, and which had gradually and deliberately advanced among the people, was not likely to be lightly abandoned, or irresolutely pursued. Nor did those persons with whose concurrence the first stand was made, (after a successful resistance on the broader ground had become no longer practicable,) fail to oppose and thwart the measure in its details by all the means which exhortation, example, and the influence of character or station, could supply. St. John, although renowned for prodigious parts and industry among his own party in Parliament, had not risen to any extensive practice in Westminster Hall until after the fame of his argument in Hampden's case. This, however, gained him so much reputation, that he was afterwards engaged in all the different courts and causes in which the claims of the royal prerogative were contested*. Meanwhile, with the increasing disaffection towards the measures of the King and his advisers, did the conduct of Hamp-

* Clarendon—Hist. Reb. Weekly Account, July 3—10, 1643.

den daily advance in publick admiration and honour. 'The eyes of all men,' according to Lord Clarendon, 'were fixed upon him as 'their Pater Patriæ, and the pilot who must 'steer the vessel through the tempests and 'rocks that threatened it.' With qualities of heart and mind well matched to do service and honour to each other, the modesty, discretion, and composure, with which, (always bearing onwards in his steady course,) he mastered in himself every allurement of personal vanity, are parts of his character more admirable even than the courage which all contemporary testimony agrees in so eminently ascribing to him. It has been well observed, that the highest praise which has been bestowed on Hampden is to be found in the acknowledgment of one of his most jealous enemies. Lord Clarendon, who had known him both as a colleague and as a competitor, and, in each position, had learned to respect his deportment, admits that he behaved himself with a temper and modesty such as marvellously to win the hearts of men, and to deprive his adversaries of all occasion, which they diligently sought, of impeaching the conduct, while they blamed

the motive, of his opposition. Far different, however, was the spirit of the inveterate Wentworth. His zeal was overflowing against those who still stood for the principles and party which he had, without any assignable motive or excuse, but the basest, betrayed. 'Mr. Hampden,' says he, in a letter to Archbishop Laud, 'is a great Brother;' (puritan;) 'and the very genius of that nation of people 'leads them always to oppose, both civilly 'and ecclesiastically, all that ever Authority 'ordains for them. But, in good faith, were 'they rightly served, they should be whipped 'home into their right wits; and much be-'holden they should be to any that would 'thoroughly take pains with them in that 'sort.' Again, with the same soberness and propriety of metaphor, he says, 'In truth I 'still wish Mr. Hampden, and others to his 'likeness, were well whipped into their right 'senses. And, if the rod be so used that it 'smart not, I am the more sorry*.' Such is the language of one who well knew the person and the party of whom he spoke. For he once had shared deeply in their councils,

* Strafford's Letters.

and, ' whether,' (as his friend and biographer Ratcliffe says of him,) ' animated by patriot-' ism, or led by a skilful ambition,' had also shared with them their sufferings and their fame, in resisting those very schemes of taxation of which he had now become an active and forward instrument*. The bitterness of such a man,—' odisse quos læserit,'—(who, accomplished as he was, both in statesmanship and letters, illustrious for his abilities, his station, and afterwards for his misfortunes, yet felt that, in deserting his party, he was abandoning the dearest possession of his publick life, his reputation for honesty,—) carries with it it's moral to posterity, and, for the moral's sake, ought to be recorded. The verdict of many generations has been passed upon the memory of Hampden, and upon that of his reviler; and they must indeed be

* I know that Mr. Brodie believes that, in many of the early votes of the country party, the name of Sir Thomas Wentworth has been confounded with that of Mr. Thomas Wentworth, member for Oxford. But that Sir Thomas Wentworth was imprisoned for his opposition to the Court, that he joined in the impeachment of the Duke of Buckingham, in the protestations against illegal imposts, and moved one of the most important clauses in the Petition of Right, is certain from the testimony of Ratcliffe, as well as of Rushworth and the Journals.

very sanguine enemies to the liberties of their country who can now hope to see that judgement reversed.

It was but a short time before this, that those bloody scenes of human agony and mutilation, which formed a part of the ordinary punishment of the pillory, had been revived by Laud. It was in the summer of 1637, that the sentence, of which we have before spoken, was executed upon Burton and Bastwick, and renewed, with horrible circumstances of further cruelty upon Prynne; and it was in the next winter that Lilburne also suffered the same punishment, under an order signed by Laud; the whipping being inflicted with a rigour which endangered his life. This was, in all probability, the very instance, because it had been the most recent, which prompted Wentworth's jest.

Again, the hopes of the country party almost died within them. Had it not been for a fresh act of cruel and unwise compulsion, which bereft the persecuted puritans of the power of leaving to Charles, by their flight, an undisputed triumph over law and liberty, the whole struggle in this country would have been

abandoned, at least by that generation, in despair. Many eminent persons were induced, by their sufferings, or by their fears, to sell their estates at a great loss, in order to seek a shelter, which, by it's distance from home, promised at least security from the vindictive spirit of the government, and from the stormy threatenings of the times. The plantations of New England, held under royal patents granted by James, offered a place of refuge to such as might be driven by hatred of the great tyranny that reigned in their own country, to look for peace and freedom among the wildernesses of another hemisphere. Such a retreat had been prepared there by the foresight of the Lord Say and the Lord Brooke, by whose directions a little town, now the capital of the flourishing province of Connecticut, had been built, in 1635, under the name of Saybrooke. They had, from their boyhood, lived together as brothers, and the ties of their affection had been straightened by a close and constant agreement in publick life. To this wild and distant settlement they had determined to retreat, in failure of their efforts for justice and

peace at home, and there they were jointly to become the founders of a patriarchal community. Of this new settlement liberty of conscience was to be the first law, and it was afterwards to be governed according to their darling scheme of a free commonwealth. Thither several persons of rank and fortune had already led the way.

The crown had laid claim to the power of taxing, in whatever measure, and on whatever exigents of state, it should please to determine; and this had been confirmed by the ship-money judgement, which had given up to the discretion of the King the whole property of the country. All cases of libel against the Government, or any of the great officers of state, were taken out of the courts below, to be tried and punished by the offended parties themselves, in the Star Chamber; and, of the Puritans, or Precisians as they now began to be called, those who withstood these powers were pursued by all manner of penalties, and those who were patient by mockery and insult no less intolerable. The spirit of emigration spread daily among the Puritans; the views of the greater number of

that party were entirely directed to that object; thus leaving their leaders without any further hope to cherish, and, indeed, without any further duties to fulfil, in England. But even this refuge from a persecution which appeared irresistible, and from which there remained no other means of escape, was refused them*. This project, which would also have relieved the Government from the embarrassment of their presence, and of all their further plans, was defeated by an order of the King in council, dated April 6, 1638, by which all masters and owners of ships were restrained from setting forth any vessel with passengers for America, without special licence†.

The immediate effect of this monstrous edict is rendered remarkable by an event, which has thrown over the whole an air of strange fatality. Eight ships, with respectable emigrants on board, were, at this time, lying in the Thames, bound for the new

* Rushworth.—Neale's Hist. of the Puritans.

† Bancroft, in his early persecution of the Puritans, under James, seeing that great numbers of them were emigrating to Virginia, obtained a proclamation enjoining them not to depart without the King's license.

colony. In one of these had actually embarked, for their voyage across the Atlantick, two no less considerable persons than John Hampden and his kinsman Oliver Cromwell; the latter then little distinguished, except for an opposition which he had conducted with great spirit and ability, in his native county of Huntingdon, against the project of the Bedford level; a work which, like all the other great schemes of improvement, had been converted into a monopoly which was to give new means of influence to the crown.

But, the Court was unwilling that it's opponents should, anywhere, enjoy or communicate the systems of freedom which they sought, or should peaceably withdraw themselves, even at the hazard of the total confiscation of their estates at home, from a contest of whose success they despaired, and from a country which they deemed to be hopelessly enslaved. A special order was therefore issued that these vessels, by name, should be detained, and the provisions landed which had been shipped for the voyage*.

* Neale's Hist. of Puritans.—Rushworth.—Dugdale's Troubles.

Thus, in the alternative between flight and resistance, the Government, as it were, bound down these eminent men to an opposite condition to that which they had chosen for themselves. Pride, character, and obligation to party and to principle, pledged them, so long as they should inhabit the country of their birth, to pursue the course they had begun.—Hampden and Cromwell remained;—to act, probably with very different views, certainly in very different circumstances;—the one to be the first mover of resistance in arms against the power of the King, the other to finally defeat and ruin that power in the field, to overthrow the monarchy, and to bring the Sovereign, by whom he was now arbitrarily detained, to a publick scaffold.

Mr. Hume avers, that Hampden, and the rest, were going to New England for the privilege of hearing sermons of seven hours long. No vindication this for detaining them from that enjoyment, if such were their sober and innocent taste. But, unfortunately for a jest at any rate ill suited to the character of just and impartial history, it appears, first, that the total infraction of all the conditions

of the petition of right, and the hazard to which the persons and property of these men had been brought, were motives sufficient to account for the desire of emigration, without the necessity of imputing it to a mere passion for long sermons. Secondly, the Presbyterians were the long preachers, and not the Independents. And Hampden and Cromwell, and their followers, were Independents, and not Presbyterians.

The real separation between these two sects had begun to shew itself as early even as the conference at Hampton Court, and had, for some time before that of which we are now treating, been distinctly marked: although, as is well known, they did not form themselves into opposite parties in the state, till after the assembly of divines on Church Government, and the publishing of the 'Apologetical Narration,' in 1644. In truth, nothing can have tended more to give an unfair view of the different motives of those who were acting together to resist the encroachment of monarchy and prelacy, than the mode, introduced by the Court of James I., and since carelessly adopted by writers on

these times, of classing all the opposers of the Hierarchy under the general, undistinguishing denomination of Puritans. From the earliest days of their common sufferings and resistance, no two codes of civil conduct on religious matters could be more opposite to each other than that of the Independents from that of the Presbyterians. At the beginning, the Presbyterians were much the more powerful, and, indeed, the only recognized, sect; for they possessed those two vast elements of power, unity of discipline, and original establishment by law in a very important portion of this island. With that establishment they had cherished a spirit thoroughly intolerant of all other sects. Not content without an entire uniformity of church government throughout the land, they claimed for their synod a power, as absolute as that which the Episcopalians claimed for the Bishops, over the pulpit and the press.—

'New Presbyter was but Old Priest writ large.'

Far from setting up for their intolerance the excuse which the Papists have claimed, they had founded their religious tenets on the assumed right of free enquiry, and yet became as unwilling as the Papists of the

worst times, to admit either the freedom of discussion or the innocence of error. They had rejected human infallibility, and yet they persecuted dissent. When brought into conflict with the church of England, by the monstrous attempt to establish Episcopalian Ascendency, and the Liturgy, in Scotland, this spirit of intolerance grew warmer in the followers of both modes of discipline. The Independents rose between them. They stood between the Convocation and the Synod; not for Ascendency, but for Freedom. Neither the Episcopalians nor the Presbyterians had yet advanced so far as to consider religious toleration a duty. The Independents began by proclaiming religious liberty to be a right*. In this doc-

* Milton has well laid down the distinguishing principle of the Independent doctrines in these respects. 'Seeing, therefore, 'that no man, no synod, no session of men, though called to the 'church, can judge definitively the sense of Scripture to another 'man's conscience, which is well known to be a general maxim of 'the Protestant religion; it follows plainly that he who holds in 'religion that belief, or those opinions, which to his conscience 'and utmost understanding appear with most evidence or proba- 'bility in the Scripture, though to others he seem erroneous, can 'no more be justly censured for a heretick than his censurers, 'who do the same thing themselves, while they censure him for so 'doing. For, ask them, or any Protestant, which hath most 'authority, the Church or the Scripture, they will answer doubtless

trine, and in this practice, the Independents of England have ever continued. In the American settlements, towards the end of the seventeenth century, they unhappily followed the example of others in endeavouring to reform spiritual error by force; and, by their

'the Scripture. And what hath most authority, that, no doubt, 'they will confess is to be followed.' . . . . . 'The Papist 'exacts our belief as to the Church, due above Scripture; and, by 'the Church, which is the whole people of God, understands the 'Pope, the general councils, prelatical only, and the surnamed 'fathers. But the forcing Protestant, though he deny such belief 'to any Church whatever, yet takes it to himself and his teachers; 'of far less authority than to be called the Church, and above 'Scripture believed. Which renders his practice both contrary to 'his belief, and far worse than that belief which he condemns in a 'Papist. By all which, well considered, the more he professes to be 'a true Protestant, the more he hath to answer for his persecuting 'than a Papist.'—*Treatise of Civil Power in Ecclesiastical Causes.* Milton's Prose Works. Symmons, vol. iii. pp. 325—330.

I cannot resist the subjoining Bishop Hoadley's description of one of the most eminent English Presbyterians, Doctor Cheynel, the rigid adversary of Chillingworth, but, in Chillingworth's captivity and last illness, his charitable benefactor. 'He was a 'rigid, zealous, Presbyterian; exactly orthodox, very unwilling that 'any should be supposed to go to heaven, but in the right way. 'And this was that one way in which he himself was settled; 'and in which he seemed to be as sincere, and honest, and chari- 'table, as his bigotry and his cramped notions of God's *peculium* 'could permit him to be.' But how truly admirable is this learned, and wise, and good, prelate's conclusion! 'An intemperate heat 'scorches up charity in one church as well as in another; and 'everywhere equally lays waste the most amiable duties of 'Christianity.'—*Hoadley's Works*, vol. ii. p. 622. Edit. Fol.

persecution of the Anabaptists there, have sealed the melancholy truth, that no large sect has ever been uniformly and thoroughly innocent of the great folly and great crime of religious persecution. But, as far as English history goes, the proud exception may be claimed for them. The Erastians had no church government at all, but 'reduced the 'pastoral functions to exhortation and prayer,' 'considering the office as only persuasive, 'without any power of censures*.' The Independents established their church government on the basis of a free Commonwealth; but it was a government still; regular and strict, though mild. The Erastians and the Independents, with the sect then called Anti-pædobaptists†, a small society, differing from the latter only with respect to infant baptism, acted together in civil matters without difficulty or dispute. They had struggled together for liberty; and, above all, for liberty of conscience and of Worship.

The assembling of a Parliament, which might interpose it's authority to stay the

* Laing's Hist. of Scotland.—Neale's Hist. of Puritans.

† Now called, generally, Baptists.

dreadful extremities towards which the measures of the Court were clearly and rapidly advancing, was now the only prospect of deliverance to the people from the miseries which they suffered, and from those greater calamities which they dreaded. On the other hand, the King and his advisers, availing themselves of the apparent calm, and not content unless the means as well as the spirit of resistance were effectually subdued, continued to prosecute, without stop or intermission, their dangerous career.

But the attention of the nation was unexpectedly called to another quarter, by the course of a struggle which had begun, during the year before, in a remote part of the island, where Discontent had already ripened into open Insurrection. The pretensions and persecutions of the prelatical faction in Scotland had long kept that country in a state of unceasing religious feud, and, of late, the furious elements of the Episcopalian and Presbyterian warfare had broken forth, from many magazines of confederacy and cabal, into alarming civil broils. The religious disputes between England and Scotland, which

were afterwards, with little intermission, for above sixty years, and through four successive reigns, contested in arms, (until a wise and healing policy, at length, conciliating the jealous spirit which it had been before in vain attempted to subdue, re-established in Scotland, by law, the religion of the people,) had begun as early as the junction of the two crowns. The memorable assembly of Perth had introduced and established the High Commission Court, the book of Canons, and Rites and Ceremonies, offensive on many accounts to the Scots. King Charles, soon after his accession, following up the project conceived by his father, had endeavoured, by order of that commission, to introduce the English service book of Common Prayer. But the main cause of grievance was the establishment of the Commission of Superiority and Tythes, under the pretext of a revocation, as it was called, of certain rights and dues of the Crown, which, during the late minorities of the Scottish Kings, had been alienated into the hands of several opulent families. The powers of this commission were exercised far from the reach of appeal, and entrusted to

violent and rapacious favourites, whose chief recommendations were attachment to the forms of a church of which the people were jealous, and feudal enmity towards those influential persons, the means of whose wealth they now became the ready instruments to abridge*. While the prelates were violently and indiscreetly putting themselves into conflict with the great lay proprietors, the high church ceremonials, advancing at an equal pace with these temporal innovations, shocked the feelings and habits of the lower orders. All the smaller matters of controversy between the parties were forgotten in the great division of Covenant on the one hand, and Liturgy and Diocesan Episcopacy on the other. New levies of men and money, more than ever oppressive upon the English part of the King's dominions, were raised to enforce obedience to ordinances more than ever hateful to the Scotch†. To Scotland the discipline of John Knox was dear, not only as a memorial of her religious reformation, but also as one of the few remaining badges of her

* Burnet—Own Times. † Heath's Chronicle.

independent sovereignty. From Charles she had conceived the best hopes of protection for both; for she had given him birth; her ancient palace had been his cradle, and that of his ancestors; and she had received from him the oath to defend the Presbyterian rites, when, (four years before,) she placed her ancient crown upon his head. On Sunday, the 23d of July, 1637, these jealousies first broke out into open resistance. The service book was publickly read in the great church at Edinburgh. 'What!' exclaimed an old woman, provoked beyond measure at the portentous sound of prayers and canticles, translated from the missal, and issuing from what had been the pulpit of the first apostle of the Scottish reformation, 'what, ye villain! 'do you say mass in my lug?' and, hurling the stool, on which she had been sitting, at the head of the reader, she gave the signal of uproar. The Bishop of Edinburgh, who officiated, the Archbishop of St. Andrews, the Lord Chancellor, and the Provost, and City Council, were driven from the church by the enraged populace, and, among the cries of 'A pape! a pape!—stane him! stane him!'

narrowly escaped the martyrdom which was threatened by these fearful words. In consequence of this commotion, by a proclamation of the English Privy Council, with Archbishop Laud at it's head, all concourses of people were prohibited, within the city of Edinburgh, under pain of death. So irritating a measure only produced corresponding violences on the part of the people in the Scottish metropolis. The City Council was forcibly dissolved, the members of it obliged to crave protection from the leaders of the insurgent party, and, in 1638, under the auspices of the Earls of Hume and Lindsey, the 'National Covenant' was published, and subscribed to by great masses of the people throughout the whole kingdom of Scotland*. The Marquis of Hamilton was now commissioned by the King to act with full powers to allay these growing distempers†. Under the more mo-

* Laing's History of Scotland.—Heath's Chron.

† Hamilton was a Presbyterian, and descended from one of the early martyrs of the reformation. Nor was his personal popularity among his countrymen impaired even by the recollection that it was his father who published the obnoxious Articles of Perth. It is, indeed, sadly difficult to find among the rest of the political leaders, on either side, in Scotland, during this period of her history, a character unstained by cruelty or treachery. But

derate councils of this eminent person, a declaration was put forth, dated June 30, 1638, dispensing with the service book and canons, promising a parliament, and calling back the King's subjects to their allegiance. But the tyranny and bad faith of the English Government had already produced an impression which it was difficult to counteract. All confidence in the royal promise had been shaken. At length, through the mediation of Hamilton, after many harassing journeys and negotiations, a reconciliation seemed to be approaching, and an Assembly, elected by the people, from which Bishops were excluded, was held, November 1638, at Glasgow. The demands,

Hamilton seems, on the whole, to have been a sincere and faithful servant to the King, and an ardent well-wisher to his country; but prudent, and perhaps timid, as a statesman, to a degree which, in violent times, brought upon him misrepresentation and obloquy, and caused some dishonourable imputations, such as the having purloined, and transmitted to the Covenanters, Montrose's letter of offers to the King; for which shameful slander there seems not to have been the smallest foundation. No man could, at the crisis of which we are now treating, have more honestly done his duty between an incensed King and an aroused people, nor could, afterwards, in the great civil war, have more faithfully stood by the royal cause to which he attached himself; more courageously encountered danger in the field, or gone with greater firmness to the scaffold.

however, of this body, which assumed to itself the right of spiritual excommunication, as well as very effectual temporal securities for the preservation of Kirk and Covenant, were of a nature little likely to be tolerated by the Privy Council in London. At the end of a session of only seven days, it was dissolved by a proclamation which the Lord Commissioner was directed to issue; and this proclamation was met by a protestation from the members, declaring the assembly undissolved, and indissoluble, until such satisfaction as had been demanded should have been fully attained. Meanwhile, the Earl of Argyle having declared for the Covenant, negotiations were opened by the Scotch with the Court of France for assistance, which was readily promised. Nor was Richelieu, probably, an unapproving spectator of a quarrel which promised to enable him the more easily to obtain vengeance or reparation for the part which Charles had, in the early part of his reign, taken in behalf of the Rochellers, and for the opposition which he had lately given to the joint efforts of the French and Dutch in the Spanish Netherlands. About the begin-

ning of 1639, in consequence of this encouragement, the Scotch had proceeded, by ordinance of the Assembly, to get together a competent army; and the co-operation of the friends of religious liberty in England was anxiously sought, not only by the Presbyterians, but by others also, who, on more general grounds of displeasure with the Court, had joined the malcontents. But many considerations deterred that party in England, notwithstanding all solicitations from without and provocations at home, from yet countenancing any project of open insurrection. Nor does it appear that any hopes were held out from England, or any pains taken at that time, to excite the feelings of the Scotch, or even to enter into communication with them*. The parliamentary leaders of this country may have felt that things were not yet sufficiently ripe for such an enterprise; and that,

* Anthony Wood states that Hampden had made more than one journey into Scotland, about this time, in order to ascertain the feelings of the Covenanters, and to negotiate with them on the part of the Country party in England. It does not appear on what authority he states this, and it seems to refer to a later period. For it is probable that, otherwise, it would have been specially made matter of charge against him at the time of the accusation of the five members.

immaturely undertaken, it might endanger or destroy the hopes of successful resistance at last. That, although the intention of their adversaries to destroy publick right, to its very foundations, were sufficiently manifest, still it had not yet been displayed in such a manner as to establish a clear moral case for recourse to those last means which remain to the oppressed for the recovery of freedom. They may have felt that, even after resistance shall have been morally justified by the tyranny of a government, there are still many considerations, not affecting themselves only, which it is the duty of good men very scrupulously to balance; and that complete success should, upon calculation, appear at the least probable, before it can behove those who love their country, or mankind, to commit the fortunes and lives of thousands to the fearful issue of arms. Moreover, the intentions of France were very doubtful, and her resentment against the English Court had been excited by a set of feelings and principles bearing no sympathy with those of the Puritans in Scotland; while it clearly was not the part of the leaders in England to raise

the standard of civil war for the hazardous chance of giving liberty to the English people, the great body of whom, perhaps, had not the spirit of liberty, or, at least, might not be prepared to join in the only means by which liberty was to be attained.

In the meanwhile, the King had equipped a large armament by dint of forced loans under a precept of the Privy Council. In this he was assisted, also, by the voluntary contributions of many of the nobility, of the clergy, influenced by Laud, and of the Roman Catholicks, instigated by the Queen *. He then proclaimed the Scotch insurgents rebels, marched upon York, and, at the beginning of May, arrived at Berwick. The Earl of Arundel he appointed General in Chief of his forces in the north, the Earl of Essex Lieutenant-General of the foot, and the Earl of Holland of the horse †. The Scotch As-

* Pere d'Orleans.—Laing's Hist. Scot.

† Of the three English noblemen on whom he conferred the chief command, and of the motives which governed him in that selection, Lord Clarendon gives this account:—'He chose to 'make the Earl of Arundel his General—a man who was thought 'to be made choice of for his negative qualities. He did not love 'the Scots; he did not love the Puritans; which qualifications

sembly, on their part, replied from Glasgow by an ordinance repeating their demands for a Parliament, and liberty of conscience, and protesting against Episcopacy: then, putting their powers in motion, they disclaimed, under the penalties of a solemn curse, any intentions of a hostile incursion upon England, and concluded by describing their cause as being strictly a defensive one, and founded upon natural and civil right.

Thus arose that war, known under the name of the Bellum Episcopale. A conflict, provoked on the one side without any apparent motive of policy or justice, but in which (as is the case in almost all civil wars) it is

'were allayed by another negative—he did not much love anybody 'else: but he was fit to keep the state of it; and his rank was such 'that no man would decline the serving under him. The Earl of 'Essex was made Lieutenant-General of the army; the most po- 'pular man of the kingdom, and the darling of the sword-men; 'who, between a hatred and contempt of the Scots, had nothing 'like an affection for any man of that nation; and, therefore, was 'so well pleased with his promotion, that he began to love the 'King the better for conferring it upon him, and entered upon the 'province with great fidelity and alacrity, and was capable from 'that hour of any impression the King would have fixed upon 'him. The Earl of Holland was General of the horse; who, be- 'sides the obligations he had to the Queen, (who vouchsafed to 'own a particular trust in him,) was not then liable to the least 'suspicion of want of affection and zeal for the King's service.'

difficult to say by which party the first hostile movement was made,—since each, however eager to engage, was desirous, even to the last, that the other should seem the aggressor, and thus be answerable for all the calamities that might ensue. Yet both had advanced to a point at which it became inglorious to retreat and impossible to stand still. Apparent, however, as were the motives under which it was begun, those which could cause it so suddenly to subside into a treaty, almost without a battle, and by the yielding of the stronger power, are not so easily to be accounted for or understood.

On the approach of the King to the Border, a general enthusiasm spread itself among the Covenanters, who were joined by not a few of the Episcopal Church. This spirit was confirmed, not dismayed, by the greatness of the danger. The spectacle was one not often paralleled in history. A people unused to arms, not inspired by any of the feelings which animate aggressive war, (for these were not only disclaimed, but carefully repressed,) excited to resistance, not by the influence of any popular leader, but by a deep

and pervading sense of the illegality of what was threatened to be imposed upon them, and of the sacredness of the cause to which, in consequence, they had set their hands; and thus preparing to cope with all the perplexing perils of an invasion headed by their sovereign, and the attacks of domestick enemies rising on their rear.

A military committee was instantly established in Edinburgh. A band of Scottish officers, trained to war in the school of Gustavus, on the first intelligence returned, with Alexander Lesly, to the defence of their country. Levies were raised in the several districts, marshalled by their captains, and exhorted and disciplined by their clergy; so that, in less than two months from the first movement of the King, an army of above twenty-four thousand men at arms were in the field against him. The Highland frontier was guarded by Montrose and Argyle against the descent of the Gordons and Macdonalds; the southern border manned and fortified under Lesly and Monro; and Edinburgh, Dumbarton, and Dalkeith, garrisoned by troops entering to the sound of psalms and prayers,

and under banners inscribed with the Crown and Covenant of Christ. To the eastward, the shores of the Firth were lined with batteries, and the hills to the south bristling with powers variously trained and accoutred; some drilled to the scientifick and precise forms of the Swedish and German strategy, many called fresh from the peaceful occupations of trade and husbandry, most of them inured to danger, fatigue, and hardship, by the wild habits of the chase and the sheep-walk in their mountain forests, and all filled with a spirit that scorned any terms but such as should begin with establishing the independence of their country, and the integrity of its religion. The armies of the King and of the Covenant thus remained for several days,—the outposts in view of each other, and the lines and reserves, on both sides, formed in array of battle, and the royal fleet, with troops on board, commanded by Hamilton, in the Firth, flanking Leith, the guns of whose batteries were loaded and ready for the expected signal of the enemy's assault. While these things were in suspense, and only one slight and unsuccessful attack

had been made by Lord Holland, with part of the King's cavalry, the Earl of Roxburgh was dispatched to the royal camp to endeavour once more to treat on the original grounds of demand.

It was at this sudden and momentous juncture that a change of purpose was wrought in Charles. No longer accompanied by Wentworth or Laud, and obliged to act under the influence of his own judgement, or of some milder counsels, he consented to a truce, and soon afterwards a peace was concluded, and the long wished for Scottish Parliament summoned for the 15th of May.

To whatever it may be attributed that the King was thus suddenly induced to accept terms so different in spirit from the demands contained in his late proclamation, a general satisfaction prevailed, and, for a while, hopes arose of a permanent accommodation. But whether this short-lived disposition to peace, on Charles's part, ceased upon his returning to counsel with his customary advisers, or whether he had at first acceded to the treaty of Berwick only for the purpose of masking some object of less gentle and less honour-

able policy, the pacification lasted only just long enough to give him time to complete in England his projects of supply. Ground, indeed, was afforded to him for complaint of non-performance of the articles by the Scots. The treaty had stipulated for the disbanding of both armies*. The King withdrew his accordingly, and sent his Irish levies home again. The Scots retired, also, from their frontier, restored the fortresses to the King, but kept the greater part of their levies entire. It would be difficult, with what we know of the policy of Charles on many occasions, to pronounce that this act of the Scots may not have been justified by some intelligence of a stratagem in preparation against them. Still, in ignorance of any such design having been discovered or entertained, it would be unjust not to avow that there was a case against the Scots of manifest invasion of the articles. This treaty was not faithfully observed on either part. The Covenanters were too distrustful of the King to disarm themselves first, and the King assuredly did not set them the example; and the article

* See Articles in Rushworth.

which provided for the abolition of Episcopacy in Scotland was shamefully evaded by Charles. The probability is, that neither party expected the treaty of Berwick to last long; that little more was hoped for by the Scots than the occasion of putting forth, under cover of the articles, a solemn and publick statement, which might represent their demands favourably to the English people; and that nothing more was intended by Charles than to gain time for improving those powers which he now saw were entirely inadequate to command success against so formidable a resistance.

As it seemed dangerous to awaken the jealousy of the English people by fresh impositions for maintaining a standing army in the south, Charles determined to issue writs for a Parliament at Westminster, which might enable him to renew hostilities with Scotland. To supply his immediate wants, a new subscription was promoted among the courtiers, the clergy, and the Catholicks. Wentworth returned, as Lord Lieutenant, to Ireland, with the title of Earl of Strafford; and, that an example might not be wanting of the liberality

and obedience of a Parliament, he summoned the houses there, and proposed four subsidies, which were immediately granted. Active and undisguised preparations were now made on both sides for war. Meanwhile the Scottish Parliament, proceeding to remonstrances concerning Episcopacy, was, contrary to promise, prorogued. The Earl of Dumferling and Lord Loudon were dispatched to London by the Covenanters, as their Commissioners, to justify them to the King, and to complain of the prorogation. They had frequent opportunities for consultation there with the party who had so long opposed the arbitrary measures of the English court; and Lord Say, Pym, Hampden, Hollis, and a few other of the principal members of that body, then, (for the first time, as it appears,) put themselves into communication with the Covenanters. With them they were thenceforward in constant and intimate conference upon the means of averting or opposing the incursion which was in open preparation, and which, if once successful, would have left Charles at full leisure to overrun and extinguish all remains of publick freedom in England. If it

were treasonable in the English Puritans to conspire with the malcontents of another country, in order to try the last chance for the liberties of their own, from this time began their treasons.

During these negociations, the Earl of Traquair, Lord Treasurer of Scotland, whose influence at court was on the wane, sought to restore it by treacherously producing a letter of Loudon's, written to the French King before the pacification, soliciting aids for the Scottish army. This unhappy instrument, which, as it appears, had never been sent to its destination, was signed by seven of the chief nobles of Scotland, among others by Montrose, who so soon after became a pattern of faithful loyalty in the estimation of the court writers. The indignation of Charles blinded him equally to the impolicy of breaking with the Scots by so unjustifiable an act as the seizure of one of their Commissioners, and to the unfairness of visiting upon a man, after a treaty, a letter written by him while at open war. Loudon was instantly sent to the Tower; and thus ended, in the way the least

likely to promote an amicable issue, this short lived commission*. The expectation of a Parliament in England having now become general, every exertion was made by the country party to secure the election of persons well affected to their cause. Nor, when, at length, the writs were issued, were the people found to be unmindful of the high duties which they had to discharge, or of the deserts of those persons who, during the interval which had elapsed since the last Parliament, had stood by the wreck of their cause with such patient, though almost hopeless, fidelity. Hampden, whose bold and judicious conduct in the great ship-money contest had signally won the confidence of that party, and made him 'the argument of all tongues,' was elected, in conjunction with his friend, Arthur Goodwin of Upper Winchenden, to serve for the county of Bucks.

* Dr. Birch, in the Appendix to his Enquiry concerning the Transactions of Glamorgan, gives the grounds on which he believes the story of Loudon's having been saved, (only by the entreaties and even menaces of Hamilton,) from assassination in prison; but the testimony is not direct enough to justify so black a charge against the memory of Charles.

Still the levy of the ship-money was enforced with unrelenting pertinacity, under the management, principally, of Chief Justice Finch, on whom the court writers of later times have been too prone to cast the whole blame of that disastrous project,—the greater share of which, in truth, is much more fairly chargeable on the Archbishop and on Strafford. Finch was but their ready agent. He was now entrusted with the custody of the Great Seal. By him the judges were again directed to promote the 'business of the 'shipping' in their several circuits; and, on a demurrer to a bill authorized by the council, he declared, that, 'whilst he was keeper, 'no man should be so saucy as to dispute 'those orders, but that the wisdom of that 'board should be always ground for him to 'make a decree*.' It is remarkable, however, that there is no appearance of an assessment of ship-money having been made on the county of Buckingham after the trial in the case of Hampden.

In the practice of this short but stormy Parliament is found established, more dis-

* Parliamentary History.

tinctly than at any former time, the general doctrine of the precedence of questions of grievance over supply. It's whole existence, indeed, was spent in a memorable struggle to assert this privilege and custom. Instantly after the meeting, on the 13th of April, the Commons, in compliance with the petitions of various counties, proceeded to the consideration of grievances affecting the freedom of Parliament, the preservation of religion, and the common liberties of the realm,—appointing a grand committee of enquiry upon each*. Upon Pym's recapitulation, Edward Hyde, then member for Wotton Basset, began the attack on the 'tribunals 'of censure,' by complaining of the Earl Marshall's court, as 'erected without colour 'or shadow of law,' and as having assumed a power to fine the King's subjects in great damages for matters in which the law gave none†.

* Commons' Journals.

† As instances of the wanton and intolerable violence of this court, he cited two. First that of a citizen, who, being rudely treated by a waterman, and seeing his badge of a swan, (an Earl's crest, whose servant the waterman was,) bade him 'begone with his goose.' Whereupon, after a long and expensive attendance, he was imprisoned, and fined, to his ruin, 'for the opprobrious dishonouring

And now began the practice of convening assemblies of the people to petition Parliament,—a course which had never before been systematically resorted to, to manifest the feelings of the country on the conduct of it's representatives.

During the first week, minutes of the proceedings and judgement in Hampden's case were laid on the table of the Commons by St. John and Holborne, and were reported upon by the Grand Committee as matter of grievance. The King, in the meanwhile, as early, urged the hastening of the supplies. But the report of the Grand Committee could not remain unnoticed. He therefore qualified his message by a verbal renunciation of all claims to tonnage and poundage, except such as should be given by Parliamentary grant, and of all intention to establish a permanent revenue of ship-money; declaring that, having

'the Earl's crest by calling the swan a goose.' The other instance was that of a tailor, who, having importuned a gentleman with a long standing bill, and having threatened to arrest him, on being thrust out of the room, chanced to say, 'that he, the tailor, was 'as good a man as the other.' Being summoned to answer for these words, he was compelled to release all his debt in lieu of damages.—Clarendon—Life.

levied it upon the exigent of the publick safety, he should have remitted it if the pressing demands of the war had allowed him; and so required the concurrence of the two houses in such modes of raising it in future as might secure the proper application of it. This was considered by the Commons as no satisfaction for the former illegal proceedings in this matter. Viewing it only as an endeavour, by a plausible concession, to avoid a decision on the principle, they continued steadily to pursue their object; and, on the 30th, with a view of proceeding against the advisers and instruments in that proceeding, they required, by address, a copy of the record as made up by the judges themselves*.

During this conflict, Hampden was strenuously engaged in the various business of the House. No question of principle or detail, whether affecting the most important interests of the commonwealth and posterity, or the smaller concerns to be adjusted for his own county in the assembly to which she had sent him, none were too mighty for his capacity

* Parliamentary History.

and courage, or too minute for his indefatigable industry. To all he applied those natural gifts of a ready understanding and a winning persuasion, as well as those acquired habits of arrangement, which fitted him to meet the necessities of the times and the demands of his electors.

During the whole of the three last eventful years of his life, which were now beginning, his mind, which, before, had been occasionally applied to unconnected pursuits, was, without intermission, employed in that uniform course of publick service, to which his great duties, and his own deep sense of them, now wholly bound him. Never inactive, he had hitherto divided his time between the business of Parliament, the study of books, and the amusements, as well as the useful occupations, of a country life. As a magistrate, he had borne a diligent share in the local affairs of his county*; but he had also found leisure for indulging himself in 'an exceeding prepenseness to field sports,' and in the embellishment of his paternal

* Of his industry in these particulars there are abundant traces in the MS. collection at Stowe.

estate, of which he was very fond. When, therefore, he finally abandoned all those pursuits and habits of social ease, which his temper, and talents, and the mild virtues of his domestick character, so much inclined and fitted him to enjoy, the motive must have been powerful, and the sacrifice great.

From this time till his death, except at some few hasty intervals, when business of publick concern called him from the Parliament, from the council, or from the camp, he never again returned to that home to which the remembrances of his youth, his studies, his pleasures, and the blameless happiness of tranquil hours, had so strongly attached him.

His mansion still remains. It stands, away from both the principal roads which pass through Buckinghamshire, at the back of that chalky range of the Chilterns which bounds, on one side, the vale of Aylesbury. The scenery which immediately surrounds it, from its seclusion little known, is of singular beauty; opening upon a ridge which commands a very extensive view over several counties, and diversified by dells, cloathed

with a natural growth of box, juniper, and beech*. What has once been the abode of such a man can never but be interesting from the associations which belong to it. But, even forgetting these, no one, surely, who has heart or taste for the charm of high breezy hills, and green glades enclosed within the shadowy stillness of ancient woods, and avenues leading to a house on whose walls the remains of the different styles of architecture, from the early Norman to the Tudor, are still partly traced through the deforming innovations of the eighteenth century,—no one, surely, can visit the residence of Hamp-

* The woods of Hampden terminate to the North upon the bare brow of a lofty hill, called Green Haly, on the side of which is cut, in the chalk, the form of a cross, which is seen from all the country round. This monument, of a very remote antiquity, is known by the name of the White Leaf Cross, and is supposed by Mr. Wise (in a learned letter to Browne Willis on the subject of Saxon antiquities) to have been designed in commemoration of a victory gained by Edward, King of the West Saxons, over the Danes, early in the tenth century. It appears, however, with more probability, to have been intended as a memorial of the last battle of Hengist and Horsa with the Britons, which was fought over the extensive plain of Risborough and Saunderton, when, on this height, and on the Bledlow Ridge which adjoins it, the Saxon princes planted their victorious standards to recall their troops from the pursuit.

den, and not do justice to the love which it's master bore it, and to that stronger feeling which could lead him from such a retirement to the toils and perils to which, thenceforth, he entirely devoted himself.

PART THE FIFTH.

From 1640 to 1641.

Short Parliament—Industry of Hampden—Hampden marries his second wife—Bishop Williams solicits his assistance in a case of Privilege with the Lords—Vane announces a message from the King concerning Ship-Money and Supply—Opposite Resolutions moved by Hampden and Hyde—Vane's angry declaration—Dissolution—Votes of Convocation, and renewed Resolutions of Grievances—Second Scotch War—Scots pass the Tweed and Tyne—Treaty of Rippon—Meetings of the Country party, and correspondence with the Scots—Opening of the Long Parliament—Committees of Grievances—Prisoners of the Star-Chamber liberated—Strafford, Laud, and others committed—Trial of Strafford—Bill of Attainder—Conduct of Hampden respecting that measure examined—Perfidy of the King.

PART THE FIFTH.

From 1640 to 1641.

TWELVE years had now elapsed, during which England had been governed without a Parliament. The Commons of this Parliament began their course in a manner which gave promise of great and lasting benefit to the publick cause; and the courage, the tenacity, the moderation, and singleness of purpose, which marked every proceeding throughout their short career, justified the expectations they had raised. Though thwarted and baffled by the King in every project of redress, and dissolved angrily before they had passed any one complete act, still, sitting as they had done from day to day without longer adjournment, and always in conflict with the Crown on the highest matters of popular right and parliamentary privilege,

their journals are not dishonoured by any trace of irregularity or passion. Considering the temper which had now shewn itself in both parties through the country, this distinction, which they so well deserve, was, perhaps, owing in part to their existence having been brought to a close before any of those extreme violences had begun on the King's part, which, if not fully justifying all the acts to which the Long Parliament afterwards proceeded, at least rendered it impossible for that body, with safety to itself, to abide within the boundaries which the constitution of England assigns. A more choice selection of all the master spirits of a country, in an age remarkable for deep thinking and resolute acting, was never sent to take it's part within the walls of any representative assembly. The court, as well as the country party, had busied itself to secure favourable returns; and, though with less success, had formed within the House of Commons a small phalanx of learning and ability sufficient to make shew of coping at once with the shrewdness of St. John, the experience of Pym, the learning of Selden, the sagacity of Hampden, and the

uncompromising resoluteness of each. The strength of the Crown in the Lower House consisted principally of lawyers. A few of those on the popular side already shewed a disposition to waver. Hyde, though still, as we have seen, and even for some time after this, concurring in some of the strongest measures of opposition to the Court, had nevertheless given token of a willingness to recommend himself to it's favour by occasional subtleties, which embarrassed his own party and were of service to the objects of the King. Sir Dudley Digges had been propitiated and silenced by the Mastership of the Rolls; but the virtuous Falkland and Sir Bevill Grenvil, and even the faithless Digby, Mallory, Philips, and Holborne, were still forward in their support of the motions of inquiry and crimination.

It has been already seen that, during this period, Hampden was studiously and eagerly employed in those details which are no small part of the duties of a faithful member of Parliament. To these, in truth, he devoted almost every day from the meeting to the dissolution. On the 16th, three days after

the meeting, he was on a committee to examine all questions relating to election returns and other privileges, and, on the 17th, on one to report upon the state of the journals and records*. On the 18th, on one concerning the violation of privilege at the close of the last Parliament; and, on the 20th, on another to prepare an address to the King, praying 'that 'the like infringement of their liberties might 'not be practised in future to their prejudice 'and his own.' On the 21st he was on the committee appointed to inquire into the effect of the commission lately granted to convocation, and, on the 22d, on two others—one upon the case of Smart, a prebendary of Durham, who had petitioned as a prisoner against Bishop Neile, and the other to prepare the heads of a conference with the Lords concerning the petitions from the country. On the 23d he was on one to expedite the matter of this conference by stating the reasons for postponing the supplies until effectual means should have been taken to prevent innovations in religion, to secure the property of the subject, and the privileges of Parliament,

* Commons' Journals.

and to prepare an answer on these heads to the King. On the 24th he was a manager of that conference; on the 25th he reported it to the House; and, on the 1st of May, we find him reporting a second conference, touching some matters which had occurred in the first. The Journals of the House, indeed, and the minutes of its committees throughout, are ample vouchers of his unwearied assiduity.

In this patient and industrious course of publick service did he justify the character which circumstances, in themselves accidental, and over which he had no controul, had first enabled him to establish; proving himself worthy to attract the confidence and lead the efforts of this assembly of able, bold, and diligent men.

Hampden had very lately married his second wife, Letitia, the daughter of —— Vachell, of Coley*, near Reading, who survived him a great many years, and lived to a very advanced age; but after his second marriage he never resided in Buckinghamshire. The demands of the times had altered the habits of his domestick life; and, during that

* Parish Register, Coley.

part of it which was passed in London, this lady lived with him at his lodgings, near the house which was occupied by Pym, in Gray's Inn Lane.

About this time Bishop Williams, who had long suffered under the inveterate persecution of Laud and the personal anger of Charles, was endeavouring, by bringing a case of privilege before the Lords, to regain his liberty; and, by petitions to the King, to obtain his summons to Parliament, and a composition for the enormous fine to which he had been sentenced by the Star Chamber. During his trial before that tribunal, he had defended himself with great spirit, and with an ability which baffled the craft of Noy, and the mercenary zeal of Lamb and Sibthorp, who were employed by the Archbishop to prepare and prosecute the informations against him*. But, after the death of Noy, the matter had been brought to a judgement by the exertions of Kilvert, a wily solicitor, and, accordingly, a sentence was passed, suspending the Bishop from all his offices and dignities, and imposing upon him a fine of 10,000*l.*

* Hacket's Life of Williams.

and imprisonment during the King's pleasure. But Williams, by habit a courtier, and only, from his failure in this pursuit, an occasional patriot, was not of a character long to suffer persecution with patience. Finding the Lords not disposed to assert with spirit the question of privilege in his behalf, he endeavoured to engage Hampden, during this session, to make his case one of parliamentary grievance. Among the manuscripts at Lambeth is a sheet of notes in his handwriting, under the title of 'Remembrances to Mr. Hampden,' dated April 27th, to which the answer is found appended. The style of cold civility in which Hampden declines this business is that of a man who already suspected that the publick virtue of the Bishop was wavering, and that he was preparing to embark again in the course of court favour into which, on his enlargement and elevation to the Archbishoprick of York, he soon after was content to relapse. Hampden's answer was as follows:—

'My Lord,

'I should be very ready to serve you in 'any thing I conceaved good for you and fitt

'for mee; but in your L^dp's present com-
'mands I doubt that to make overture of yor
'intentions, and be prevented by a suddaine
'conclusion of ye Parl^t. wch many feare, may
'render yor condition worse than nowe it is.
'To begin in o^r house is not ye right place;
'the most important businesses of the King
'and king^d. are pressd on with such expedi-
'tion y^t any of a more particular nature will
'be but unwellcome, and hardly prosecuted
'wth effect; besides that, there is at this in-
'stant a tendernesse betweene ye Lords and
'us about priviledge; and for my owne unfitt-
'nesse, I neede mention no more but my
'disabillity to carry through a businesse of
'this nature, though yor L^p may easily con-
'ceave another incompetency in my person.
'In these regards I humbly desire yor L^p to
'excuse mee, and thereby to lay a newe obli-
'gation upon mee of being

'Your L^dps most humble servant,

'JO. HAMPDEN*.

'*Westm^r. Apr.* 29, 1640.'

Yet Williams was not without some great

* Lambeth Lib., No. 1030, 108.

and high virtues. It is but justice to the memory of this learned prelate to mention, together with his faults, the noble and contemptuous generosity with which, after his restoration to power, he forbore to take vengeance on his former persecutors. Some of these being sent to try how he was affected towards them, he told them that 'if they had 'no worse foes than him they might fear no 'harm, and that he saluted them with the 'charity of a bishop.' And, when Kilvert had the meanness to crave his pardon for the wrongs he had done him—'I assure you,' answered Williams, 'pardon for what you 'have done before; but this is a new fault, 'that you take me to be of so base a spirit 'as to defile myself with treading on so mean 'a creature: live still by pettyfogging and 'impeaching, and think that I have forgotten 'you*.'

This Parliament, as has been already observed, although it was not suffered to complete a single act, may yet be justly considered one of the most useful that ever sat; because, without shew of violence or passion, it first

* Hacket's Life of Williams.

reduced to system those resources which are in the hands of every Parliament for its own defence, but which, before, had been viewed only at a distance, and in speculation. The landmarks of the Constitution, for centuries set up, had of late years been pointed out anew by Coke and Selden in many a glorious precedent. It was not the purpose of the leaders of the House of Commons to frame a new theory of government. They did not amuse themselves or the country with vain abstract declarations that the origin of government is from the people. They did much better. They contented themselves with maintaining the inherent right of the people to be well governed. And thus they left it on record that a House of Commons, representing the opinions, generally, of the country, and enjoying it's confidence, and acting resolutely up to it's own faculties, may successfully begin the work which, according to Lord Bolingbroke, it is always in the power of any House of Commons to achieve. He says, but, as is the case with some of his other political generalities, in terms not sufficiently qualified, ' that a Parliament, nay one House

'of Parliament, is able, at any time, and at 'once, to destroy any corrupt plan of power.' One obvious condition, with which this predicate must always be taken, is, that such a Parliament, or House of Parliament, be supported by the Spirit of the People.

The King had desired, by message to the Lords, their good offices with the Commons on the matter of supply, and the peers represented their opinion that, 'in reason and 'decency,' supply should precede remonstrance. Such advice given on such a matter was well calculated to produce 'a tender-'ness' between the houses; and the Commons instantly voted it a breach of privilege.

The conference, however, which ensued was conducted, with great spirit and discretion, to an accommodation, by the managers for the Lower House; and, on the 4th of May, the elder Sir Henry Vane, Secretary of State and Treasurer of the Household, brought down a message from the King. In essentials it differed but little from that which, at the beginning of the session, had been voted unsatisfactory. It's purport was,

that his Majesty would forbear from any further levy of the ship-money for the present, and give up all future claims to it, upon the condition of a grant of twelve subsidies, to be paid in three years; promising full time afterwards for the redress of grievances; but requiring an immediate answer, his affairs in Scotland being too urgent to admit of delay: a condition, say the writers of the Court party, unauthorised by the King*.

Mr. Hume so far agrees with Père d'Orleans, (who comes to an absurd conclusion through an evident mistake between the two Sir Harry Vanes,) as to insinuate that Vane's motive was to provoke a spirit of resistance in the House. To those who can discover in

* Père d'Orleans, whose learning as an English historian was not sufficiently accurate to justify the violent conclusions at which he often arrives, gravely lays the whole of this transaction to the charge of Sir Harry Vane the younger.—Hard upon an enthusiastick republican, who innocently suffered death as a regicide, that he should also innocently be made to suffer in his memory for the faults of his courtly father. 'Henri Vane,' says the Père, '*traitre* '*fameux*, étoit Secrétaire d'Etat.' . . . . 'Vane, dis-je, avoit dans 'son instruction de demander douze subsides, mais de se relacher 'jusqu, à six, pour peu qu'on lui disputât le terrain. Le perfide, '*deja vendu aux ennemis du Roi son maitre*, tint ferme sur douze, 'pour aigrir les esprits, et y reussit si bien que le Parlement refusa 'le Roi, et le Roi cassa le Parlement.'—Liv. ix.

the elder Vane any motive of interest in thus thwarting the designs of his master, or who think that such a declaration as his, if unauthorised by the King, would have remained, for several hours, subject of debate and remonstrance, without one word of question from any others of the Court party, it may be credible that a violent and arbitrary minister would suddenly become a secret partisan of an opposing faction, against a sovereign on whose favour his own publick fortunes entirely depended. Even so, the artifice would have been a shallow one on the part of Vane; for Charles, for the purpose of gaining the desired supplies, would scarcely have failed to expose the fraud of his minister, and so to reconcile the Parliament.

Charles had, more than once, in the early part of his reign, obtained votes of money by assurances of prospective redress, and had always dissolved his Parliament as soon as it came to seriously press the terms of that engagement upon him: His royal word had been too often pledged, and was now no security. The House, however, having resolved itself into a Committee of Supply, a

great difference of opinion arose. Several members spoke against voting any grant in a spirit of compromise for the discontinuance of an illegal impost; and another party objected to it only with reference to the amount of the sum. To those who took the plain high ground of 'redress before supply,' it became, of course, desirable to unite in one vote all who objected to the grant, either in respect of the principle or of the amount. With this view, Hampden moved that the question should be put broadly thus—'Whether the House 'would agree to the proposal contained in 'the King's message?' which motion was strongly supported. But, in the course of the debate, the Speaker, Glanville, who, says Whitlock, 'had engaged to be a better servant 'to the King than formerly, and was very 'active to promote his Majesty's desires, 'whereof he gave a sufficient testimony, and 'of the change of his former opinion,' condemning as illegal the imposition of the ship-money, nevertheless urged the House, on account of the low state of the revenue, to comply with the message. Hyde, taking advantage of this to thwart the design of

Hampden, objected to the form of the question as being captious, and stated his opinion that such only as were disposed to reject the King's message altogether, and not such as objected only to the manner or to the amount of the grant, could give a clear vote with Hampden on this proposition. He moved, therefore, that the question might be confined to the proposal that 'a supply be granted;' thus effectually drawing off many who, on account of the proposed amount of the grant, objected to the message, and artfully leading them to a first vote in concurrence with it. But Hampden's motion had been already put, and was in discussion. Herbert, the Solicitor-General, a more moderate and crafty man than Vane, fruitlessly endeavoured a compromise. And now a confused clamour arose in the committee, and cries, from different quarters, for the question as framed by Hampden or by Hyde*. But, while the House was thus in an uproar, Vane declared, as from authority, that a supply, unless voted as required, would not be accepted; and, this warning being seconded by the Solicitor-

* Rushworth. Parl. Hist. Clarendon—Hist. Reb. May.

General, Herbert, the matter was no further pressed; and the House, desiring Sir Henry Vane to acquaint his Majesty that they hoped to return him an answer to his message on the following day, adjourned.

The King now came to the rash and passionate determination of putting an end to this Parliament, and, with it, to that truce of publick feeling, which had lasted so long as the people could look to an assembly which might make their complaints heard, and, peradventure, also, procure redress. Like the countryman with Jupiter, in Lucian's fable; —while the monarch reasoned, the people thought him wrong; but when, from reasoning, he betook himself again to his thunder, they knew him to be wrong. The contemporary writers, even such as are the most favourable to Charles, leave this act without a vindication, and confess it to have done irreparable harm to his cause*. Lord Clarendon lays the blame on Vane, Whitelocke on Laud, Ludlow on Strafford, and Rushworth on the Queen. There was but

* Warwick's Memoirs. Sir Hugh Cholmondeley's Memoirs Clarendon, Hist. Reb.—Whitelocke—Rushworth.

one class of persons, according to Lord Clarendon, who had reason, and felt that they had reason, to rejoice at it, as a measure favourable to their views;—those who wished not to controul the King by constitutional means, but to see liberty vindicated by a tumultuous triumph over Royalty itself. He says that, within an hour after the King's angry speech to the Commons at the bar of the Upper House, he met St. John, who, addressing him with a most unusually cheerful aspect, asked him 'what troubled 'him?' To which Hyde replying 'that the 'same that troubled him he believed troubled 'most good men;—that, in such a time of con-'fusion, so wise a Parliament, which alone 'could have found a remedy for it, was so 'unseasonably dismissed;'—the other said, with some warmth, 'that all was well, and 'that it must be worse before it could be 'better; and that this Parliament could never 'have done what was necessary to be done.' The conclusion was a just one. It was then but too plain, that all 'must be worse before 'it could be better;' and that, with Charles, no Parliament could be safe, much less useful to the country, that did not begin by taking

the whole power of government into its own hands *.

Contrary to all usage, and in spite of the protest of thirty-six of its own members, the Convocation was, by Laud's advice, continued under a new Commission, until they had voted certain new Canons, and a benevolence of four shillings in the pound for six years; and attached to the new Canons was the famous *et cætera* oath †. It was, besides, directed as part of the discipline of the Church, that four times a year the clergy should instruct their parishioners of the divine right of kings, and the damnable sin of resistance. And, the more to mark the spirit in which this proceeding was conceived, the Book of Canons was put forth at once by the High Church party under the name of the Anti-Covenant ‡.

Scarcely had the parliament been dissolved, when the King sought to repair an act which he saw had caused the greatest alarm among the more prudent of his advisers, by a Decla-

* Clarendon, Hist. Reb. — Whitelocke. — Rushworth. — Mrs. Hutchinson's Memoirs.

† This oath, to be imposed, not on the clergy only, but on many of the laity also, contained an obligation to 'maintain the government of the church by archbishops, bishops, deans, chapters, *et* 'cætera'

‡ Fuller

ration which was no better suited to the temper of the times. It seems as if the same passions, which had prompted the mischief he had done, became again excited, even while he was in the act of preparing what he meant to be a healing instrument; for, with great inconsistency, he laid down in his Declaration, to its utmost extent, the doctrine of his being 'accountable to God alone,' at the very instant while he was employed in giving an account to his people*; and, on the next day, he had again recourse to his old unhappy practice of committing several members under his own warrant to prison†. This he accompanied with the new outrage of ordering that the lodgings, and even the pockets, of two of the Lords, the Earl of Warwick, and the Lord Brook, should be searched for treasonable papers; but without effect‡.

On the other hand the peace of the metropolis was assailed by numerous and turbulent assemblages of the populace. Placards of violent invective against Laud for some days appeared on the walls of Westminster; and an attempt was made by some thousands of

* Whitelocke. † Rushworth. ‡ May.

people, chiefly apprentices, collected and marching by sound of drum, to force the gates of Lambeth Palace. The Archbishop on their approach had removed himself, by timely flight, to Croydon. It was not without bloodshed that the mob were at length dispersed by the Train Bands. Several were killed, and one of the rioters was, under a very forced construction of the Statute of Treasons, executed, as having levied war against the King.

Now, again, coat and conduct, and ship-money, were levied with the greatest rigour and despatch, and in larger proportions than before; and several sheriffs of counties, and the Lord Mayor of London, were prosecuted in the Star Chamber for forbearing to distrain. A return of the names and incomes of the richest citizens was required; magistrates were ordered to apprehend all defaulters; and a sum of 40,000*l.* was borrowed from certain merchants, under a threat of seizing the bullion which they had sent to the Mint to be assayed. At the same time all the pepper in the East India warehouses was bought from the company on trust, and sold, at a great

discount, for ready money; and a scheme was proposed for coining two or three hundred thousand pounds of base money *.

Lord Conway, at this time commanding the levies which were assembled at Newcastle, writes the following letter to Laud, the original of which is in the manuscript library at Lambeth. The passage in italicks is underscored in the original, but it is unfortunately not accompanied by the paper to which it refers as containing the plan for raising a constant revenue to the Crown.

'May it please your Grace,

'The King hath bin pleased to call me 'into his service, and I shall not faile to serue 'him faythfully, and in all things wherein I 'may advance the K: service I will doe it 'with my best endeavor, and if I should not 'doe soc I should use the K: worse then I 'doe other men; for, to tell you the trueth 'under the seale of confession, the faultes 'that I commit are against myselfe not against 'other men. This towne of Newcastle I be-'leave may be fortified in such manner as that

* Laud's Diary—Laud's Troubles—Lilly—Mrs. Hutchinson.

'an enemye may be kept of, until an armye
'might be brought to releive it; the profite
'that will be to the King is that the countye
'will be better assured if they have a place
'whither they may retire if there be danger,
'and the countrey will be pleased that the
'King doth take care of them; this enclosed
'paper will tell you the meanes whereby
'money may be raysed to effect this: and
'from the doeing of it this benefite will arise
'*to the king, that he may make this a constant*
'*reuenue to himselfe;* they will I beleave be
'brought to doe this willingly for their owne
'safety, whitch they will neuer knowe how to
'put of from themselves, and it will be a faire
'example for others to followe; if you will
'gett it resolued on while the power that I
'have here doth continue, whitch will not now
'that the army is coming here be longe, I
'will doe my best to gett it effected; If you
'thinke this to be out of your way, I desire
'your pardon for giuing you the trouble; but
'knowing you to be faythfull to the King's
'seruice, and not knowing very many that
'would be sincere in a proposition for the
'King to lay any imposition, I did thinke it

'a necessity. I doe not heare yet soe good 'newes of my Lord Lieftenaunte's health as I 'doe desire; his losse would be irreparable to 'the King, and to all his frendes: but I hope 'he will recover, whitch God grante; I have 'not any way abilitye in me to serue you as 'he may, but sutch as I am I shall not faile 'to be

'Yr. Grace's

'most humble and most faythfull seruant,

'CONWAY AND KILULTA.

'*Newcastle, June* 13, 1640.'

At length the King was enabled to proceed Northward, August 20th, having already despatched a fleet to the Eastern Coast of Scotland, and ordered his army to rendezvous at York. The general result of this second Scotch war is well known. It terminated as rapidly as the former, and in a manner more disastrous to Charles. For the treaty was even more inglorious than that of Berwick, and preceded by the capture of a large fortified city within the English border, and a decisive advantage gained by the insurgents in the field. The Scots, with their accustomed ac-

tivity, had passed the Tweed, and instantly advanced upon Newbourn, fording the Tyne with infantry and cavalry, in the face of Lord Conway, who in vain disputed it with them after haughtily rejecting a requisition that a few hundreds might be allowed to pass over with a petition to the King. His works, hastily constructed, crumbled from before the well directed fire of the Scottish guns, which had been prepared for little more than that day's service, being formed of leather, hooped round with iron, and carried to the river's bank on the backs of horses. Lesly had filled up the intervals between the squadrons of his dragoons with companies of fleet-footed Highlanders, who, running by their sides, and sometimes hanging on upon the manes of their chargers, kept pace with them to cover their movements, or act in line with them with the musquet or the broad sword. The advance guard of Conway's cavalry, after a momentary success, was demolished in the ford, and the first and second line of the Covenanters instantly crossed under cover of their batteries, leaving nothing behind them but their reserves, with their left thrown back to guard against the event of that flank

being threatened from the eastward. The body of the English army that defended the ford was forced to retire 'with such precipitation,' says Burnet, 'that Sir Thomas Fairfax, who 'had a command in it, did not stick to own 'that, till he passed the Tees, his legs trembled 'under him.' The next day the Scots took possession of Newcastle, making themselves masters of Northumberland, the Bishoprick of Durham, and the collieries, with a force of 23,000 infantry and 3000 cavalry *.

Whether by misconduct or misfortune, in this affair Lord Conway lost much reputation; some accusing him of cowardice, and some of treachery. Lord Strafford, who had been in vain struggling with the gout and stone, and endeavouring to reach the army in time to take the field before a battle, writes to him from York two days before the passage of the Tyne, and says, 'I find all men in this place 'extream ill satisfied with the guiding of our 'horse, and publish it infinitely to your dis- 'advantage, that, having with you a thousand 'horse and five hundred foot, you should 'suffer an enemy to march so long a way

* Burnet—Own Times.

'without one skirmish, nay without once look-
'ing upon him. And it imports you most
'extreamly, by some noble action, to put
'yourself from under the weight of ill
'tongues*.' Neither Lord Conway nor his troops at all expected that power of artillery which Lesly brought against them, and had mounted in battery, masked by brushwood, to open on their flank.

Montrose, who, on the former outbreak of the Episcopal war, had been posted on the Highland frontier to keep the Roman Catholick clans in check, on the passing of the Tweed took a forward station. The chieftains having drawn lots for the honour of first entering England, the chance fell on him, and he instantly plunged into the river, and crossed it at the head of his infantry. According to his biographer, (who is eager to redeem him from the suspicion of ever having been faithful to the Covenant, to which he had sworn,) he had, even before the treaty of Berwick, put himself into secret communication with the King†. This is also said by Burnet. At all events, almost immediately after the inva-

* Strafford's Letters. † Life of Montrose, 1640.

sion of England, the great discovery of his treachery was made, and thenceforward he was the most eager agent for the King in every enterprize, political or military, which was to be undertaken in Scotland. In truth there never was a man who owed more of his fame in the estimation of posterity to his only virtue, dauntless and romantick courage, than Montrose.

Great disaffection had prevailed among the King's troops on their march to the North; and the annexed letter from Sir Jacob Astley to Lord Strafford, describing the ill appointed and destitute state in which the army took the field in this second war, which had been begun by the King himself, at his own time, so long prepared, and provided for by means so arbitrary and oppressive, goes some way to exculpate Lord Conway from his share in the blame of the failure.

'Right Honourable, and my singular good Lord,

'I reseiued y^rs^ of the 27th of this month. 'Yesterday the Scotes army passed the Tyne 'at Newbrene, as I leave the manner of it to 'my Lord Devereaux relation. I, upon this

'occasion, assembled all the colloneles, and 'by a generall consent it was found fittinge 'to quitt Newcastell. It was not to bee held, 'they havinge passed the Tweede. This 'night all our foot ar to moue to Durham, 'and to-morrow wee shall march to . . . . . 'Wee are in an ill casse, wantinge vitualles 'and amunitie and spades. Wee could 'bringe none. I humbly pray y^r^ Lordeship 'that I may reseiue y^r^ directions how I shall 'governe myselfe. If his Ma^ty^ will have 'good of this army, there muste bee a spea-'tiall car had to furnishe itt as itt ought to 'bee. Otherwise whosoever shall have anie 'chardge in itt will suffer in his reputation. 'Thear muste bee a speedy course taken to 'supply us wth vitualles, cannon, and amu-'nitie, and severall other thinges. I wish 'we weare mad able to fight, or the occation 'taken away. More I have not for the pre-'sent to give y^r^ Lordeship troubell, but doe 'rest ever,

'Most nobell Lorde,

'Y^r^ Lordeship's humble servant,

'JACOB ASTELEY*.'

* Orig. Letter, MS. Coll. Stowe.

'Never,' says May, 'were the people of 'England so averse from any war, as neither 'hating the enemy against whom, nor ap- 'proving the cause for which, they were en- 'gaged.'

How far it may have been under the advice of the leaders of the popular party in London that the Scottish army was now advanced into England, will probably always remain matter of doubt. Nor is the question one of much importance. That a constant communication was kept up between them by letters and by messengers is certain; certain, too, that the Puritans of England now looked to the success of the Covenanters, as the best hope for reducing the King to the necessity of dependence on his Parliament for supplies, and, through this necessity, to a compromise in favour of publick liberty. The community of political feeling and objects between them has never been doubted or denied. True it is that the letter laid before the assembly by Lord Saville, (who had now emerged from his obscurity to do an act consistent with a character which no new baseness could more deeply stain,) and sub-

scribed by him with the forged names of six English Noblemen, has been always believed to have been the invitation on which the Scots changed their plan from the defence of their own frontier to the invasion of the English Border. But, probably, this unprincipled artifice, (intended to lead the Scots into jeopardy, and to involve the English Puritans in the penalties of treason,) contributed, contrary to the intention of its author, mainly to the success of their common cause, by transmitting and giving effect to the counsels which the parliamentary leaders were in reality most desirous should be adopted. The principle of resistance had, doubtless, long before this, received its justification in the minds of Hampden and the other principal men of that party; and the delay can be attributed only to that strong motive of duty which, after resistance shall have been otherwise morally justified, will always deter good men from engaging themselves and others in a hopeless conflict. No justice, no protection, was to be derived to them, or to the country, from the courts of law. All means of redress in a parliamentary way

were denied them. Every barrier with which the ancient constitution had fenced the rights of the people had been destroyed or removed; and the stream of the law was tainted to the fountain head. The vindication of the cabal which was sitting in London must rest, not on any single act of persecution then flagrant, but on the whole system and character of Charles's government; on all that had preceded this crisis, and all that was then threatened. In measuring the provocations which may at any time justify the seeking for succour from a foreign power, it is not necessary to shew that the attack on publick liberty is at the instant active and flagrant. For, if this were required as an essential part of the justification, hardly any act of resistance could be defended;—certainly not that act of resistance, by which, at the end of the century of which we are now speaking, the liberties of the country, and the present title to the Throne, were happily settled. The moment of a violent invasion of publick liberty by the Crown must, by construction, be supposed to be one at which the Crown has arranged its means for rendering popular re-

sistance altogether hopeless. If the fathers of the Revolution were justified in concerting with the Prince of Orange the means of their deliverance, a like justification is to be found, in at least an equal degree, for the concert established by the English Puritans with their fellow-subjects of another country.

Moreover there are no grounds to presume that, even under these provocations, the cabal in London had yet determined on the last sad hazard of a civil war. But it would be weakness to suppose that their minds were not prepared for it. Still we have no right to conclude that their designs had, as yet, gone further than to countenance such operations, on the frontier of the country, as might force the King to fair and equitable terms with his Parliament. In a word, the justification of Hampden and the rest, for their correspondence with the Scots, was the same that we shall hereafter have to discuss as the justification of their conduct when driven in their own persons to an appeal to arms; with this exception, that the King had not yet declared a war of force against the Parliament. He had only determined to

govern without Parliament, and in spite of Parliament. Against the people of England he had long been working the two great and formidable engines of the Exchequer and the Church; and taxation and religious persecution are provocations powerful exactly in proportion to the importance of the several interests which they affect. Religious persecution is odious to all: to those who do not value religion, as interposing in the affairs of men a restraint, and a mode of discipline, which they hold to be superstitious;—to those who do value it, as interposing a human power in things divine, which they hold to be a profanation. This last is, doubtless, the stronger feeling, because it concerns a higher and a deeper interest. And this feeling, partly from the nature of their tenets and disposition, and partly from the insults they had already suffered, was peculiarly strong with the Puritans. By the Independents, in particular, who acknowledge no head of their church under Christ, it is not to be wondered at that tests, imposed by a temporal power, and backed by persecution, should have been felt

grievous in no ordinary degree. Their position was peculiarly irksome. They were the only large sect of Christians who were then of opinion that the granting of entire religious liberty is not only one of the most unfailing proofs of increasing wisdom in a state, but is one of the most important of its moral obligations; and that the injunction, under penalties, of a peculiar mode of worship, is not only a tyrannical usurpation of the liberties of the creature who worships, but an impious inroad on the privilege of the Creator to whose acceptance the worship is addressed. The discipline of every other large sect was at that time founded on penal tests. *Nisi placuerit hominibus Deus, Deus non erit.* And how lately have states begun to discover that this is as foolish and vain as it is wicked! Fortunate it is, that no human language can frame a penal test which may not be evaded by craft, or baffled by simplicity. Because, if penal tests could be made generally efficient of their purpose, such is the spirit of intolerance in man, there would be no limit to persecution.

The country-houses of such of the leading

persons among the malcontents as were admitted into their most secret counsels alternately became the places of consultation with the Scottish Commissioners. Broughton Castle, in Oxfordshire, which belonged to the Lord Say, and Fawsley, in Northamptonshire, the house of Sir Richard Knightley, (whose son had married Hampden's daughter,) were, from their position with reference to the north road, and their easy distance from London, convenient for these interviews *. Here did Pym, Hampden, St. John, Lord Say, and Lord Brook, and, later in this year, the Earls of Bedford, Warwick, and Essex, Lord Holland, Nathaniel Fiennes, and the younger Vane, hold their sittings, which were sometimes attended by other persons of great rank and property, who were as deeply involved in the general plan of resistance †. Their meetings in London

* Nalson.

† The old printing press, established at Fawsley by Sir Richard's father, is said to have been at this time again brought into use for the purposes of the London cabal; and at Broughton Castle there is a room, so contrived, by being surrounded with thick stone walls and casemated, that no sound from within can be heard. This room appears to have been built about the time of King John, and is reported, on very doubtful grounds of tradition, to have been the

were usually in Gray's-inn-lane, whither the reports from their council-tables in the country were addressed; and from whence, after these had been considered, advices were communicated to the friends of the country party in the city *.

Another great national disgrace at this time befel England in her navy; and it was all the more intolerable, since the main pretext for all the King's heaviest impositions of late years had been to strengthen his power at sea. Such, indeed, had been the display of naval means, that it was observed by some, that the troops which, during the last year, were sent round to the Firth, might have been more easily transported by land; but that the King's ships of war were lying

room used for the sittings of the Puritans. It seems an odd fancy, although a very prevailing one, to suppose that wise men, employed in capital matters of state, must needs choose the most mysterious and suspicious retirements for consultation, instead of the safer and less remarkable expedient of a walk into the open fields. The story of the use made by the Puritans of the stone room in Broughton Castle probably rests on the same sort of authority which lays the venue of the Revolution of 1688 in the subterraneous vaults of the Lord Lovelace's house, at Lady Place, in Berkshire.

* Clarendon Papers. — Windebank's Despatch. — Warwick's Memoirs.—D'Estrades.—Whitelocke.

idle. Scarcely two months after this, was fought in the Downs the great battle between the Spaniards, under Ocqueda, and the combined fleets of the Dutch, under Van Tromp and De Witt. In addition to the disgrace of permitting a battle to be fought in a British roadstead, in sight of a powerful British fleet, Charles had incurred the greater, of having endeavoured to make a pecuniary bargain, offering to the court of Brussels, for 150,000*l.*, first to take the Spanish ships under his protection, (which he was bound, at any rate, to do by the law of nations, so long as they should remain in his port,) and then to convoy them to their destination in Spain, which he was bound by treaty with Holland not to do.

The Scots, meanwhile, masters of four English counties, had intrenched themselves in positions connecting the line of the fortified cities which were in their hands, and, having entered England ill provided with stores of any kind, levied large contributions for the supply of their army *. The King, dismayed, rather, as it appears, by certain

* Sydney Papers.

symptoms of disaffection among his own troops, than by the temporary success of the enemy, had retired to North Allerton, and thence to York*. Here a great petition was brought up from the Londoners, who were deprived of their supplies of coals and cattle from the north. Other addresses also, signed by the nobility and the greater part of the gentry of Yorkshire, to the number of one hundred and forty†, and from the inhabitants of other counties, who were in instant peril of their estates from the pressure of contributions to the two armies, were presented to the King‡. Not only were these rejected, but the gentlemen who brought them were threatened with the Star Chamber. Strafford, who had at length sufficiently recovered from a painful and dangerous disease to be able to take the command and bring off the rear of the retreating army to York, went so far in a council of war, says Burnet, as to propose that the Lords Wharton and Howard, for having undertaken to present some of these, should be shot at the

* Clarendon, Hist. Reb. † Whitelocke.
‡ May.

head of the army, as sowers of sedition *. Hamilton, after the council, rose and asked him, if he were sure of the army? At which question being surprised, Strafford made such inquiries as satisfied him that a general mutiny would probably have followed, had any such execution been attempted †. And now a strong and urgent address, procured, say the court writers, by Hampden and Pym, and signed by twelve English Peers ‡, most of them already distinguished on the popular side, gave the King the opportunity, which, probably, by this time he was not indisposed to embrace, of calling a council to consider of the means, by treaty or otherwise, of clearing the English Border from the invaders. The Covenanters met this advantage with pru-

* Burnet's own Times.

† Whitelocke says that divers of the officers and private soldiers 'in their march to their rendezvous, spared not to declare their 'judgements against the war, and that they would not fight to 'maintain the pride and power of the Bishops. And this resolu-'tion seemed not to be feigned by the ill success afterwards.' (Memorials.) Laud (says Dr. Lingard, but I have not been able to trace his authority) had argued against Strafford in favour of a peace with Scotland, but was silenced by him, and by the known sentiments of the King.—See *Sidney Papers*, ii. 614, 615, 618, 621; *Clarendon Papers*, ii. 81, 82.

‡ Rushworth.

dence, and resumed the ground of petition; and, as on the former occasion at Berwick, a treaty was proposed. A Parliament was promised, to be convened on the 3d of November, and a commission of sixteen noblemen, the most popular of those who were still esteemed the King's friends, was appointed to negociate terms with the committee of the Scotch Estates*. The treaty of Rippon, which ensued, led to a discussion of terms, prolonged by the Scots, probably not without the willing consent of the English commissioners, until the expected meeting of a Parliament should be secured beyond the risk of any duplicity or change of purpose in the King. During the cessation of arms, and the settlement of the treaty, the condition to which Charles's rashness had reduced him was severe and mortifying in the extreme. Unable to advance or to retire, obliged to keep his own forces collected to check any further advance of the Scots, and pressed to relieve the northern counties from the contributions, he was driven to the necessity of maintaining the levies of the Covenan-

* Laing's Hist. of Scotland.

ters at the stipulated charge of 850*l.* a-day; himself, the Sovereign, supporting at once two armies of his own subjects, opposed to each other, in the field. The English council, as a test of their sincerity, now assisted the King in raising a loan of 200,000*l.* from the city of London, by adding their personal security to his*. But, by an ill judged fancy of his own that he could better dictate terms at Westminster, he was soon after led into the most perplexing error of all, that of transferring the negociations thither; thus bringing the Commissioners of the Covenanters into personal and daily communication with that party whose object it was, by dint of such difficulties as might by concert with the Commissioners be thrown in the way of an accommodation, to force him to a redress of English grievances†.

Thus the negociations continued to subsist through the whole of October into November. Rothes, Loudon, Johnstone of Waristoune, and others of the commission, resided in the city. A church was assigned for their religious observances, whither Henderson, one of

* Heylin's Life of Laud. † May—Clarendon, Hist. Reb.

the most able and zealous ministers of the Kirk, attracted crowds of all classes and sects to catch the excitement of his vehement eloquence. With a caution derived from the failure of the pacification at Berwick*, the Commissioners rejected all verbal negociation, and required written minutes to be made of every proceeding, grounding upon a respectful formality towards the King their absolute refusal to stipulate in his presence†.

They demanded, first, that the King should sanction with his consent the proceedings of the last Scottish Parliament; secondly, that their fortresses should be placed in the hands of countrymen of their own, appointed by the King, but approved by the Estates; thirdly, that all Scotch subjects should be released from all oaths inconsistent with the Covenant; fourthly, that the authors of the hostilities should be subject to the sentence of the respective parliaments; fifthly, that their ships and goods should be restored; sixthly, that Scotland should be indemnified for the charges and losses of the war; seventhly, that all hostile proclamations should be recalled; and,

* Clarendon, Hist. Reb. † Rushworth.

eighthly, that the religion and liberties of the country should be recognized and secured. The fourth article, it will be seen, implied the surrender of the Ministers of State to publick justice, and the sixth called for a supply, which the King would be able to raise only by granting all that the English parliament could desire in the way of enquiry and redress of grievances.—Hard terms, and containing a conclusive security against any sudden dissolution or assault upon the privileges of the houses.

The first and most important object of the popular leaders was to strengthen their own party in the ensuing parliament, not only for the general reformation of abuses, but also for the more urgent purpose of removing from the King's counsels those persons whose influence with him was a barrier against any measures favourable to liberty, and a source of personal danger to those members through whose efforts such measures were now, or never more, to be successful. Of the delinquent ministers, Strafford and Laud were the foremost. The vast abilities and courage of Lord Strafford made him, beyond comparison, the most formidable enemy

to the principles and persons of the country party; while the destruction of that party was of an importance to him proportionate to the detestation and alarm in which powerful principles and powerful men must ever be held by one who has openly deserted and betrayed them. Laud, who shared none of the great qualities of his colleague, and who was, says Baillie, considered as 'a mere 'pendicle at the Lieutenant's ear,' could never, on account of his vanity and rashness, have been an antagonist to be feared, but that his station, his intolerance, and his boldness, had given the whole political power of the Church into his hands, and that his services in managing the contributions of the clergy had secured for him an influence with the King for which it would otherwise be difficult to account*.

As soon as the resolution of summoning a new parliament was announced, and before the writs were issued, the friends of liberty proceeded with the utmost skill and diligence to canvass the country through for the returns of persons of their party and connexion to

* Baillie's Letters.—Guthrie.

the lower House. The Earl of Warwick, Lord Brook, and the Earl of Bedford took an active share in these preparations; and Lord Kimbolton, the eldest son of the Earl of Manchester, Nathaniel Fiennes, second son of the Lord Say, and Henry Vane, the eldest son of the Secretary, now became forward persons in the party. Pym and Hampden rode through various counties *, using the utmost exertions, by every appeal to publick spirit, to rouse the electors to the support of candidates of known courage and fidelity in their cause. The result was at once so hopeful that the Earl of Warwick wrote from York†, although that county had so lately been occupied by the King's court and army, and threatened with invasion by the Covenanters, that 'the game 'was well begun‡.' We have it on the very doubtful authority of Eachard that one of the leaders, intemperate in his zeal and his success, openly boasted that 'they were strong 'enough to pull the King's crown from his 'head, but the Gospel would not let them§.'

Nor was the Court inactive in its canvass.

* Wood's Athenæ. † Clarendon—Hist. Reb.
‡ Whitelocke. § Eachard's Hist.

But its means were ill concerted, its purposes ill disguised, and the minds of the people ill disposed to yield to its menaces or receive its tardy addresses with favour; and a comparatively small proportion of the candidates so recommended were chosen.

Undoubtedly, of all the abuses of the Royal Prerogative, none had so much contributed to this general disgust as the innovations in religion. And these were the most general topicks of excitement used by the popular canvassers, as affecting feelings the deepest and the most earnest, and as concerning matters much more generally embraced by the mind of the people than the mere duty of resisting taxes when imposed by the single will of the King, and of submitting to them when voted by the authority of Parliament. Eachard states that when Hampden, about this time, was asked by a friend, apparently not very high in the confidence of the party, 'why they pretended 'religion, when liberty, property, and tempo- 'ral matters, were the chief end of their pro- 'ceedings?' He replied, 'Should we not use 'the pretence of religion, the people would 'not listen to us.' This is a tale very likely

to catch the fancy of Eachard, but a sentiment very unlikely to have been avowed by Hampden. The sincerity of Hampden's motives has often been doubted by a certain class of political writers; and these are doubts which may always be safely objected to the memory of all great men by the base ones who succeed them; since, with the means which this world affords, they must be always incapable of a decisive solution. But that Hampden should have confessed to a questioning and traditional friend that the shew of religion was, with his party, a mere politick pretence, would surely be much derogatory from his, otherwise universal, reputation for wisdom. Hampden it has been the general fashion of the courtiers of that and subsequent times to describe as a discreet and shrewd dissembler. Something more is required than the authority of Eachard to make us believe him to have been a shallow babbler.

Charles, before consenting to the issue of the writs, demanded from his Council 'If 'this Parliament should prove as untoward 'as some have lately been, will you then 'assist me in such extraordinary ways as in

'that extremity shall be thought fit?' The Council gave this assurance, and the Parliament was called.

When the returns of the Members were made up, many names of old renown in the struggles of former parliaments re-appeared, and many new ones were added, which at once gave an earnest of popular principles. Hampden's was a double return for the borough of Wendover and for the county of Buckingham; and he made his election for the county. Pym was chosen for Tavistock, and Lord Russell was his colleague; St. John for Totness, Holbourne for St. Michael's, Fiennes for Banbury, and the younger Vane for Kingston-upon-Hull. Several persons nearly connected in blood with Hampden were also returned. His cousins, Oliver Cromwell, Sir John Trevor, and Edmund Waller, were elected for Cambridge, Grampound, and St. Ives; and his two sons in law, the younger Knightley and Sir Robert Pye, for Northampton, and Woodstock.*

* Clarendon accuses the leaders of having packed the House; —no unusual accusation from a disappointed faction who find a

On the 3d of November, 1640 *, Charles opened in person a Parliament, which, whether the more to be remembered for its later acts, (as having abolished an inseparable part of the ancient constitution of England, by razing her monarchy to the ground, and

great majority returned on the opposite side to their own by the people. He says that this was done by resolving, upon cases of contested elections, their own friends to be duly returned, and declaring that regard should not be had to the merits of the cases but to the fitness of the persons. There is no foundation for this charge. There are on the journals but eight controverted returns. In five of these, the grounds of the determination are stated, and seem to rest entirely on the merits of the cases; and no declaration like that cited by Lord Clarendon is any where to be found but in his history. On this point, see Guthrie's History; on the whole one of the most impartial narratives of these transactions and times.

* Whitelocke says, that some advised the Archbishop to get the meeting of Parliament adjourned for some days beyond the 3d, because it was an ominous day; the Parliament of the 20th Henry VIII., which was called on that day, having begun with the fall of Cardinal Wolsey, and ended in the dissolution of abbeys. 'But,' continues he, 'the Archbishop took little heed of such things.' The augury was certainly a foolish one; for there was as little of a parallel between the great and grasping Wolsey, and the vain and intemperate Laud, as there was like to be between the Parliament then summoned, and that of Henry,—one of the most slavish assemblies that ever crouched before a tyrant. Nor is the latter part of Whitelocke's sentence very easily reconciled with what we know of one of Laud's remarkable weaknesses. Whoever reads the Archbishop's own Diary, full of auguries, founded on dreams and anniversaries, will find it difficult to believe that 'the Archbishop took little heed of such things.'

destroying even its ruins,) or for its earlier, (as having redeemed another inseparable part of it, by restoring the privileges and power of her free legislature,) must, by all men, be confessed to have been the mightiest assembly that ever brought rare abilities and inflexible courage to grapple for liberty or empire. The time appears scarcely yet to have arrived, but it surely cannot be far distant, when the zeal of writers on this part of our history may be sufficiently cooled to allow them to treat of the conduct of the Long Parliament without the inclination to pronounce any but a fair and equal judgement on its acts. Summoned, as it was, to strengthen the military power of one despot, whom it overthrew,—and at last destroyed, as it was, by that of another far more powerful,—that the acts of this Parliament were always in conformity with one undeviating set of principles, it's most zealous admirers cannot contend. But that the tyranny which it undertook to controul could have been dealt with on a mere defensive plan, working within the limits of the constitution, the most bitter revilers of it's memory will scarcely maintain. Nor, surely, do

our general conclusions in favour of a cause require that everything which was done to support it shall be capable of a full moral vindication; least of all, that we should be able to show, throughout the conduct of a popular assembly, in tumultuous times, that uniformity of virtuous purpose which can rarely be predicated but by an advocate of his unerring client, or by a romancer of his faultless hero. Legislative inconsistencies, and judicial offences, may be owned to have been committed on both sides, without materially weakening the just case for either; nor, perhaps, would it be reasonable, under all the circumstances, to expect to find a course demanding unmixed praise, until some clear examples shall have been shown, in some other age or country, of princes without a vice, and parliaments without a passion. Comparatively easy, meanwhile, is his task, who has to consider the conduct and objects of the Long Parliament, only with reference to its three first years,—that portion of its existence which closed with the life of Hampden.

Immediately on the meeting, the table of the Commons was loaded with petitions from

the counties, complaining of the general sufferings of the country, and from individuals, setting forth cases of particular hardship. These were strongly urged, on their several grounds, by most of the county members. Committees were formed to consider of the several grievances, and of the means of redress. These were divided by Pym, on the fourth day of the session, into three classes,—privilege, religion, and the liberty of the subject; and, two days after, a grand committee was appointed on each, and out of these a select one, to frame upon their reports a general remonstrance on the state of the nation. The Crown also was addressed that those persons who were still suffering imprisonment by censure of the Star Chamber might be brought to the bar of the House. Nor was this a crisis at which it was possible for the King to pause;—his treasury drained by the expenses of two wasteful expeditions, his credit exhausted, two armies to be maintained, a treaty pending, and the murmurs of a distracted country becoming daily louder and more significant. No means were left to him to restore the finances or conclude a

pacification, but by addressing himself to the favour of a party whom he saw determined, before supply, to dispose thoroughly of those questions of grievance on which so many former parliaments had suffered wreck. The Commons perceived their advantage, and pursued it*. Leighton and Lilburne were brought up from the Fleet Prison, and Prynne, Burton, and Bastwick from their solitary captivity in different fortresses; and by a solemn, and not hasty, judgment, obtained a reversal of their sentences, and an award of heavy damages against their persecutors. These were the substantial parts of their triumph. The more ornamental were furnished by the enthusiasm of the people out of doors. The three who had been banished were accompanied by an escort of many thousands, from the place of their re-landing, with banners and musick, in gaudy and tumultuous procession. The spectacle, in some respects, was a singularly touching one. Their very different conditions, habits, and ages;—the green and ardent youth of Lilburne; the infirmity of the hoary Leighton, who had lost

* Rushworth.—Whitelock.—May.

in captivity both sight and hearing, and nearly the use of his limbs; and the deep and sullen energy of the rest;—equals in their fortitude and their sufferings, and restored under circumstances of such excitement from a lengthened penance, during which, though withdrawn from sight, they had never been forgotten, and the traces of which remained in the wasted forms of the elder, and in the scars and brands still visible on all.

But there was one privilege which it was necessary for the parliament at the outset to secure beyond reach of dispute, and without which the struggle for any other would have been premature, abortive, and dangerous. Its first efforts were bent against the Star Chamber, High Commission, and those other courts by which the liberty of speech within its walls had been so often checked and punished.

And now, notice was given of a great judicial act which was to put its strength to proof; —to arraign before the highest tribunal of the realm one whose very existence in the state was declared by an unanimous vote of the Commons to be incompatible with the publick safety. On the 11th of November, the Earl

of Strafford was impeached of high treason at the Bar of the Lords, and immediately sequestered from his seat in their house, and committed. In Strafford's case it is almost unnecessary to state, though very important to be remembered, that the two different courses adopted to further the charges against him were totally independent of, and almost at variance with, each other in principle as well as in form. It would be quite superfluous to bespeak attention to what thus lies on the surface of the history of this great transaction, but that both the Impeachment and the Bill of Attainder having been founded on the same evidence, and equally directed against the life of this powerful person, they have been too often confounded in one common measure of blame or vindication. A select and secret committee was appointed, consisting of twelve persons,—Pym, Hampden, Hollis*, Lord Digby, Strode, Sir Walter Earle, Selden, St. John, Maynard, Palmer, Glynne, and White-

* The appointment of Denzil Hollis on the secret committee was a singular one, connected as he was with Strafford by the nearest bond of family alliance. It appears, however, that, acting faithfully with the popular party in all its other enterprizes, he was excused from taking any share in this.

locke*. These were to consider the information against the Earl, to arrange the evidence, and, with the occasional assistance of Lord Faulkland, Colpepper, and Hyde, to manage the conferences with the Lords, and conduct to its close this solemn and long-protracted tryal.

Hampden was also one of the Committee appointed, December 18th, to expedite the charges against Laud, which were severally agreed to on the 24th of February; and, two days after, accompanied by Pym and Maynard, to deliver them at the bar of the Lords. On Monday, the 1st of March, the Archbishop was finally committed by the Lords to the Tower, and debarred all intercourse with the Earl of Strafford. In this imprisonment he remained for two years without putting in his answer or petitioning for tryal†.

About the same time with the preparation of articles against Strafford and Laud, several other Officers of State, Judges, and Bishops, who had been concerned in the different illegal sentences, were arraigned‡. Of these, after

* Whitelocke's Memorials.

† Rushworth.—Neal's History of the Puritans. ‡ Rushworth.

Finch and Secretary Windebank, the chief were Sir George Ratcliffe (the friend and biographer of Strafford), Wren, Bishop of Ely, and Judge Berkeley*. But the attention of Parliament was principally fixed on the case against the Earl, as that without the successful prosecution of which no proceedings against less important delinquents could afford any security to publick liberty, and after the pursuing of which to legal judgement, publick liberty would require no further atonement†.

The speed with which parliament now gave effect to its determination to proceed capitally against Lord Strafford was proportionate to the secrecy with which the country party had conducted and arranged their councils. The fourth article of the Treaty of Rippon, which was still in discussion, and which referred only to the 'incendiaries' in Scotland, required to be countenanced by a corresponding proceeding in England. But there is little doubt that, even if the leaders of the House of Commons had had no other motive, there was a close and urgent one, of personal safety, which made it absolutely necessary that the blow

* Whitelock.—May. † Somers's Tracts.

aimed at Strafford should be struck without delay. The Courtiers, and even some of the Ministers, had already spoken of charges of high treason against Pym, and Hampden, and the rest; Pym, and Hampden, and the rest, were more discreet and as much in earnest as they, and anticipated the arraignment which Strafford was actually preparing, by a sudden and unanimous resolution of the House and twenty-eight charges of high treason against himself.

During the course of this great impeachment, which lasted, from the presentation of the Articles at the Bar of the Lords, just five months, so far was it from absorbing the attention of those men who had thus engaged no less than their lives in the enterprize, that two of the most important measures that ever occupied the attention of any legislative assembly were proceeding, separately and independently, at an equal pace with it; the curtailment of the political power of the Bishops, and the securing of meetings of parliaments at short and regular intervals. Important, however, as these objects were, they formed but episodes in the history of the winter of

1640 and of the ensuing spring, the great act of which was the tryal of Lord Strafford. The general outline of the facts charged is well known, and the grounds on which it was endeavoured to bring them within the Statute of Treasons. The arrangement of the evidence, and afterwards the pleadings before the Lords, occupied a space of time, and led to a complication of detail, through which it would be as needless to travel, in order to obtain a just view of the nature of the process, as it would be a course, to most people, uninviting and tedious. Nor is this prolixity to be wondered at in a work so new and difficult as was the attempt to convict a Minister of high treason in conspiring with his Sovereign an unexecuted plan to destroy parliaments and introduce an arbitrary power by means of an army; in levying, of his own power, taxes on divers merchandizes; in establishing, of his own power, a criminal jurisdiction beyond the law; and all this by acts spread over a series of years, and out of which, taken together, the offence against the statute was to be compounded. The long suspense in which, during the early part of these proceedings, the Earl

was kept, on a matter affecting his life, has been by some enumerated among the cruelties of this transaction ;—by others, the haste with which, after a certain period, it was urged on to its close. In whatever manner the proofs of the treason may be considered, surely nothing can be less just than to impute to the parliament either the delay at first or the haste at last as a charge of unnecessary severity. If Lord Strafford were to be impeached of high treason at all, surely the suspense, and afterwards the great length, of the tryal, are not truly to be made matter of accusation against the prosecutors. From the beginning, it was their interest to proceed more summarily, and thus to baffle the intrigues of Charles, the address and eloquence of the Earl, repeatedly displayed, and the conspiracies among the leaders of the northern army to save him. The frequent endeavours of the Commons to urge forward the proceedings, resisted as often by the Earl on the ground of his ill health and the difficulties of his defence, and the eagerness of the Court party to hasten the Scottish Treaty, (by the conclusion of which the King would fain have put

himself in possession of the services of his army before the Lords should be in a condition to pass judgment upon his Minister,) equally tend to show that delay was the policy of those who would have saved Strafford, while that of the parliament, from the beginning, would have been to proceed with that haste which was at last imputed to them as indecent and inhuman.

Overbearing and tyrannical as was the temper of Strafford, no one can refuse admiration to that commanding ability and haughty courage of demeanour which forsook him not at any time in this great trial. The energies of his mind increased in vigour and capacity, his natural spirit broke forth into greater fervour and brightness, as he beheld himself more and more closely encompassed by the toils of his bold and indefatigable prosecutors. From the hour when the first proceedings against him were announced, he must have seen that his danger was great, and his defences, at the best, precarious. The popular powers of three countries were against him; and he knew too well the faithlessness of his master to look with any confidence for that

support which, by every conceivable obligation, the closest and most sacred, of feeling, honour, conscience, and renewed and written promise, Charles had bound himself in the sight of God and man, at every hazard, to give him. Scarcely had the measure taken root in the House of Commons, when all who felt, in person or in property, the grievances of the late war, all who had suffered from the arbitrary courts, from illegal taxes or quarterings of troops, all who resented the usurped supremacy of the Presidency of the North, or who had groaned under the absolute government of the Irish Lieutenancy, all saw in Strafford a publick enemy put upon his deliverance, and in the success of the impeachment their only chance of relief and retribution. The Scottish Commissioners petitioned for justice against him on the ground of his inveterate counsels for war against their country and their religion;—the Irish Parliament, now relieved both from his presence and from that of his army*, revoked the subsidies which they had voted, and sent Deputies also to

* Commons' Journals.

London, to join with the Scots in arraigning their proud and dauntless victim*.

The first order for his attendance found him at York. Several of his friends would have persuaded him to avoid the storm, or at least not to meet it until its first fury might have been spent. But it was not in Strafford's temper to shrink from a conflict which his ambition had provoked. He instantly came up to London; and, on the day when the Articles were read by the Managers to the Lords, attempted, by a sudden display of pride and passion, to frown down, as he had been wont, the assaults of his enemies. But Pym, and Hampden, and St. John, had now, for the first time, come fairly to the conflict with him; and it was in the name of the Commons of England. They maintained the station which was assigned them; and Strafford was forbidden to speak until the appointed time should arrive for his defence against each separate charge.

Of all the accounts of this most memorable transaction, that by Baillie, who was present

* Carte's Life of Ormond.—Rushworth.

with the Scotch Commissioners, is given with the greatest power and minuteness, and he proceeds, through his compressed journal of the tryal, with a shrewdness of observation and a liveliness of description which lighten details otherwise varied only by the almost endless niceties of legal ingenuity. Strafford's tyrannies during his presidency of the North, the general course of his government in Ireland, his arbitrarily raising duties on articles of trade for purposes of secret service or private profit, his illegal attempts to ruin the Earl of Cork and to destroy the Lord Mountnorris, his advice as to the Scotch war, and as to using the Irish army to reduce *this* kingdom, (a phrase, the ambiguity of which was not removed by either the paper furnished by the younger Vane, or the unwilling evidence of his father,) were the main points insisted on by the Managers. The inference as to the treasonable intentions respecting the army was surely justified by the propositions for 'the bridling of parliaments and for the en-'crease of the revenue,' and has been since proved beyond doubt by the published correspondence of Strafford. But the evidence at

the tryal was clearly defective on this point; and the 'intent to subvert the fundamental 'laws' is no treason by statute. It is impossible, besides, to observe without surprize the vagueness and generality of two or three of the charges, and the strained and quibbling conclusions by which the Lawyers of the Committee of Management endeavoured to maintain such a proposition, for instance, as that the establishing of a private monopoly in the duties on tobacco, and on the exportation of hides and wool, is high treason, as 'depriving 'the King of his revenue, and so depriving 'him of his government*.' It would be a very poor vindication of such reasoning as this in St. John and Maynard, to say, however truly, that the practice of the courts in these times was fertile in judgements of constructive treason, and that by none had the intent of penal statutes been more distorted than by Strafford himself†.

Strafford, before his great speech in defence‡, had spoken at the close of each sepa-

* For observations on the evidence on these charges, see Phillips's State Tryals.

† Lords' Journals. ‡ Parliamentary History.

rate charge, and had lost no occasion to challenge the support of the peers by the shrewdness and vigour of his reasoning, or to enlist on his side the sympathies of an assembled audience of almost all the first persons in the land by his forcible and sometimes deeply pathetick eloquence *. With such as are swayed in their judgement of guilt by their admiration of a courageous heart, and a nobly gifted mind struggling against danger and dishonour, Strafford's acquittal is always sure. And to these feelings he frequently and powerfully appealed.

After a long and hard fought argument upon evidence, in which he had singly and with great energy encountered St. John, Maynard, and a host of their witnesses, on charges relating to his Irish government, and had disputed the ground step by step, sometimes involving the Managers in great difficulties, on their proceeding to another article, Lord Strafford declared himself unable to endure more fatigue. 'Turn your eye inwards,' said he, 'look into the recesses of your own hearts, 'and then judge whether you will not allow

* Phillips's State Tryals.

'a respite for a few short hours in so weighty 'a cause, which involves my life, my honour, 'the fate of my children, and all I have!' Upon this the court adjourned.

Upon the treasonable words deposed to by Bristol, Northumberland, Holland, and Newburgh, he thus declaimed:—'Shall words,' said he, 'spoken by way of argument in com-'mon discourse between man and man, when 'nothing has been done upon them, shall such 'bare words be brought against a man, and 'charged on him as high treason? God for-'bid that we should ever live to see such an 'example in this kingdom. If words spoken 'to friends in familiar discourse, spoken in 'one's chamber, spoken at one's table, spoken 'in one's sick bed, spoken perhaps to gain 'clearer light and judgement by reasoning, 'if these can be brought against a man as 'treason, all intercourse, all confidence, all 'the comfort of human society, are destroyed. 'Let no man henceforth venture to impart his 'solitary thoughts to his friend or neighbour.' Never, it must be confessed, was an ordinary artifice managed with more masterly address than in the construction of this noble appeal

to the highest and most generous passions of a noble audience. Nothing can be more different from the supposed situations or circumstances described, (the chamber, the table, or the sick bed,) than those which were in evidence; phrases used by a minister in deliberation with officers and statesmen, on acts of state to be done by them. And yet, manifest as is the fallacy, it is an appeal against which the heart is with difficulty guarded.

Upon the words alledged by Vane to have been spoken at the Council Board, 'These 'words,' said he, 'were not wantonly or un-'necessarily spoken, or whispered in a corner; 'but they were spoken in full council, where, 'by the duty of my oath, I was obliged to 'speak, according to my heart and conscience, 'in all things concerning the King's service. 'If I had foreborne to speak what I conceived 'to be for the benefit of the King and the 'people, I had been perjured towards Almighty 'God. And for delivering my mind openly 'and freely, shall I be in danger of my life as 'a traitor? If that necessity be put upon me, 'I thank God by his blessing I have learned 'not to stand in fear of him who can only kill

'the body. If the question be whether I must 'be traitor to man, or perjured to God, I will 'be faithful to my Creator. And whatsoever 'shall befall me from popular rage or from my 'own weakness, I must leave it to that Al- 'mighty Being, and to the justice and honour 'of my judges. My Lords, I conjure you not 'to make yourselves so unhappy as to disable 'yourselves and your children from under- 'taking the great charge and trust of the 'Commonwealth. You inherit that trust from 'your fathers; you are born to great thought; 'you are nursed up for the great and weighty 'employments of the kingdom. But if it be 'once admitted that a counsellor, delivering 'his opinion with others at the council table, 'candidè et castè, under an oath of secrecy 'and faithfulness, shall be brought into ques- 'tion upon some misapprehension or igno- 'rance of law, if every word that he speaks 'from a sincere and noble intention shall be 'drawn against him, for the attainting of him, 'his children, and posterity, I know not '(under favour I speak it) any wise or noble 'person of fortune who will, upon such peril- 'ous and unsafe terms, adventure to be coun-

'sellor to the King. Therefore I beseech 'your Lordships so to look on me, that my 'misfortune may not bring an inconvenience 'upon yourselves. And, though my words 'were not so advised and discreet, or so well 'weighed, as they ought to be, yet, I trust, 'your Lordships are too honourable and just 'to lay them to my charge as high treason.'

On one occasion his naturally impetuous and arrogant temper broke forth, and he charged the parliaments of England and Ireland with conspiring against him. For this he was instantly rebuked by Maynard, and he apologized. But by this, and by the reading of the Irish Remonstrance, (which he objected to as if it had been offered in evidence, when in fact it was not offered in evidence, but read as part of the charge,) 'he lost,' says Baillie, 'much reputation.'

What, however, prejudiced him the most in the eyes of his judges, on the first day, was the personal interference which was attempted on the part of the King, who, though prevented from sitting on his Throne to influence the Lords or Managers by his presence, sat, with the Queen and Court, 'full in the eyes

'of all,' having with his own hands removed the 'tirlie' (curtain) which concealed the Royal Party*.

It is now fit to consider the second course of proceedings against him. What was the immediate motive for the change from the judicial to the legislative mode has never yet appeared. The charges were closed, and the Lords had voted the facts. The judges were preparing to declare them treason by law. It is not true, therefore, that the Bill of Attainder arose out of any failure of the Impeachment, or out of any misunderstanding between the houses. For, in the end, it must be remembered, the bill declaring the treason required the consent of the Lords; and the Lords were as competent to conclude against it legislatively as they had been to acquit judicially on the evidence; besides the encreased moral difficulties in the way of their doing, by means so questionable, what it appears that they were prepared to do by the ordinary course of tryal and judgement. Nor, if it be supposed that the Lords were influenced in passing that bill by the fear of

* Baillie.

popular tumult, can that be alledged as having been a motive with the Commons for forcing the Lords with a bill. For the cries of 'Justice! Justice!' from the populace would have sounded as fearfully to the Lords proceeding to judgement in Westminster Hall as proceeding with the bill in their house of parliament, and thus the same conclusions have been obtained from them without the indelible and just odium attached to an ex post facto declaration of a highly penal law. Some reason, beyond any which has hitherto been imputed, some supposed necessity, arising out of the discovered intrigue for the escape of the prisoner and for the bringing up of the army, is wanting to account for the determination by such means to hasten in so small a degree the issue of this long-protracted tryal.

For this and for every other reason, the view of all the circumstances under which this change of the proceedings took place ought to be approached with the utmost coolness and candour. The act is not to be dealt with, for a moment, in the profligate terms in which Macpherson half apologizes for the illegality of the tryal of Argyle under the

restored government, when he says that 'the 'informality of the proceedings against him 'could scarce be justified by his crimes *.' All departure from the substantial rules of justice to procure judgement against a man for his crimes is in itself one of the worst of crimes, and admits neither of justification nor apology. But, on the other hand, it would be no less shameful to speak of that proceeding, as Evelyn does, as being 'the greatest malice 'and greatest innocency that ever met before 'so illustrious an assembly.' Let the case be put fairly. We may assume (without the sort of palliation insinuated to qualify the murder of Argyle) that the only ground on which, in this case, an attempt at justification can be rested, is that very dangerous one of state necessity, and this state necessity arising out of the peculiar position as well as character of the person himself. For the imminent danger to the state arose out of the peculiarities of his position as well as character. And these, taken together, were doubtless dangerous to it in the highest degree. His apostacy had been of the most execrable sort,

* Macpherson—Hist. Great Britain.

and took effect at a time when any apostacy from the popular cause was the most execrable. For it was not to be palliated by any reason of alarm, nor even by the temptation of a great revenge upon political antagonists. His only political antagonists were those into whose ranks he was proceeding to desert with all the arms about him which he had borne in the cause of liberty. The cause of liberty was not then triumphant, nor had its pretensions, nor the demands of the popular party, risen beyond the level of that Petition of Right of which Strafford had been one of the foremost champions*. His power had soon become fully commensurate with his daring. Like Buckingham, a stranger equally to moderation and to fear, his capacities were immeasurably greater; and, at the time of his fall, he was meditating a blow at the constitution such as Buckingham had never contemplated, nor probably could ever have obtained the means to attempt. It is difficult to admit

* Singularly enough, it was Wentworth who moved this clause to be added to the Petition of Right, 'That, for the comfort and 'safety of his subjects, his Majesty would be pleased to declare his 'will and pleasure that all his Ministers should serve him accord-'ing to the laws and statutes of the realm.'

that the act which threw Strafford into the hands of his prosecutors had of itself dissolved the spell of his power. Charles had promised to banish him for ever from his presence and councils, and even from the land. But slender indeed would have been the security of this engagement, if ever the state of those negociations which the King was then carrying on with the army had given the means to restore and avenge him; and to avenge him the more signally in proportion to the power which had been shown by his adversaries. If it were a doctrine admissible that laws may be framed ex post facto to fit particular cases, the whole argument on the justice of this act would be as complete as the argument on the injustice of the principle is now complete the other way. If, on the other hand, it be said that charges of accumulative treason may be held to be proved in cases where it is doubtful whether any one act taken singly can be made treasonable within the law of the land, no man is safe, and especially when he is to be tried by a council of many, where each judge separately may be satisfied on some one separate charge, and so all condemn

accumulatively, while on each particular the majority of the judges might have acquitted.

Those who voted on the Bill of Attainder had to determine whether they would allow a criminal to escape death, because his crime was so great and so complicated that it was difficult to bring it within the bounds of a statute, and thus show future ministers a way to baffle justice; or whether, in order to destroy a powerful enemy to their country, they should for a time cast loose from the anchorage ground of law, and on a capital matter too. Be it remembered, these prosecutors were charged with no ordinary duties; they were fighting against no ordinary man, and with inferior means; and, above all, they were fighting a great battle for the liberties of their country.

Thus much for their motives, and for the difficulties and dangers with which on every side they were surrounded.

On the whole, however, it must be admitted that the proceeding by bill is not capable of any complete vindication. Mercy is never the attribute of great assemblies, and justice

not always. And, in this case, much was owed to precedent as well as to justice; for good precedent is justice due to after times *. It has often been observed that the strongest practical admission on the part of the promoters of this measure, that they knew the principle to be wrong, was their proviso that it should not be drawn into precedent. This

* 'Nec Antigonum nec quenquam ducum sic velle vincere ut 'ipse in se exemplum pessimum statuat,'—says Justin, xiv. c. 1, Num. 12. I have heard it, somewhat whimsically, but not quite untruly, maintained that the murder of a good man is, as an example, much less mischievous than the illegal killing of a bad and dangerous one; because the former of these acts will always be abhorred as a crime, and never can be drawn into precedent, whereas the latter may occasionally afterwards be found very convenient to countenance the grossest acts of penal injustice.

All arguments derived from the different instances of Tyrannicide in the Greek and Roman republicks, are plainly beside the question; because Tyrannicide was there part of Common Law. He who attempted usurpation upon the rights of the people as settled by law became, ex ipso facto, an outlaw, and every man's hand was against him. These then are not cases on which to rest the vindication of any act of Tyrannicide done under systems of government and law essentially different. This plain distinction has not, I think, been sufficiently attended to by some writers who have endeavoured to strengthen by a very incomplete class of precedents what, in certain extreme emergencies, is an unquestionable natural right; as self-defence, 'Non scripta, sed nata lex; quam non 'didicimus, accepimus, legimus, verùm exnaturâ arripuimus, hau- 'simus, expressimus; ad quam non docti, sed facti, non instituti, 'sed imbuti, sumus.'

has been generally argued upon as if it had been a proviso against all future bills of attainder, which would be an absurd supposition. The precedent against which in all probability they meant to guard was that of an act of attainder brought in pending a tryal at law. But the strongest proof that their principle was wrong was this; that in spite of that proviso, their act was pleaded as precedent, three years after, for the taking off of Laud;—a measure still more repugnant to all notions of legal principle*.

* The mischief of this precedent did not stop even with the case of Laud. It has been well said, 'Beware how you make 'precedents; for that which to-day is precedent, becomes principle 'to-morrow.' In the case of Nayler, for blasphemy, before Cromwell's parliament, the following outrageous principle was laid down by no less a lawyer than Whitelocke himself. 'To give 'a judgment in point of life, no law being in force to that pur-'pose, my humble opinion is to go by way of Bill—to order a 'Bill to be brought in with a blank for the punishment, and by 'this means you have others to join with you in your legislative 'power.'—*Burton's Diary*, i. 58.

On the same case Mr. Bond says, 'My memory will not serve 'to repeat all the arguments that have been used in this case. The 'Earl of Strafford's was a complicated offence; so the Archbishop 'of Canterbury's. He was tried in the same way for innovating 'a new religion. That parliament left two precedents. I am not 'afraid of a precedent in this case. . . . Resume the power of 'parliament in this case, and trouble not the Lord Protector with 'it. Cut off this fellow, and you will destroy the sect.'—*Id.* 98.

To treat of it as a legal act would be an idle misuse of terms. The apology for it is that, while Strafford lived, there was no security against Charles's restoring him to power; and that, while he was in power, there was no law

'You may certainly,' said Secretary Thurloe, 'in heinous and 'enormous crimes, which are clear to the house, make a law ex 'post facto, either to heighten the punishment, as in the case of 'the Bishop of Rochester's Cook, (21 Hen. viii.) It was murder 'before, and by that act made treason.'—Note. This story was then fresh in recollection, by the publication, in 1655, of Dr. Bailey's Life and Death of the renowned John Fisher, Bishop of Rochester. In Edit. 2, (1739,) p. 109, the circumstances are thus related. 'One Dr. Rose came into the Bishop's kitchen (being 'acquainted with the cook) at his house in Lambeth Marsh; and 'having provided a quantity of deadly poison, while the cook went 'into the buttery to fetch him some drink, he took that opportunity 'to throw that poison into a mess of gruel which was prepared for 'the Bishop's dinner; and, after he had stayed there awhile, went 'his way. And so it happened, that when the Bishop was called 'to dinner, he had no appetite to any meat, but wished his servants 'to fall to and be of good cheer, and that he would not eat till to-'wards night. The servants being set to dinner, they that did eat 'of that poisoned dish were miserably infected, whereof one gen-'tleman and an old widow died suddenly, and the rest never re-'covered their healths till their dying day. The person that did 'this wicked deed was, afterwards, for the same offence, boiled 'alive in Smithfield, in the twenty-second year of King Henry's reign.'—*Id.* 110, 111.

Again, in the case of Lilburne, before the same parliament, the prisoner being brought to the bar, 'obstinately denied to kneel. 'Thereupon he was commanded to withdraw, and it was resolved 'that an act be brought in for enacting the judgment of Parlia-'ment against Lieutenant-Colonel John Lilburne.'—*Commons' Journals, January* 20, 1651-2. *Burton's Diary*, iii. 505.

in England for the protection of the subject. The phrase in Oliver St. John's speech, that 'there is no law for wolves and beasts of 'prey,' it would be a solecism in language to call an argument in law. Taken as such, it would have been but insolent and cruel mockery. But it was a fit declaration of the character of an act, which was to demolish an authority stronger than the law, and an authority which it was difficult, without demolishing, to abate. It was on the whole, the case of the most dangerous minister that England ever knew, destroyed by the most dangerous precedent that an English Parliament ever established.

The conduct of Lord Digby in this matter would have entitled him to praise, if it had not been stained by his baseness in secretly purloining a material piece of evidence from the Committee, and afterwards vehemently, impiously, and falsely, protesting his innocence before God and the Parliament on oath*. His speech in the House of Com-

* His treachery in this matter, and the falsehood of his protestations, which at the time deceived many, were afterwards proved by the purloined document found, copied in his own handwriting, among the King's papers taken at Naseby.

mons was eloquent and powerful. It states the whole of the argument against the Bill, and states it in the best manner; nor is the reasoning of it materially shaken by that of St. John, which, however, is very superior to Pym's, and is, in every respect, the best vindication of that measure which has ever been put forth. Lord Digby's opposition to the Bill was the more effective, so long as his motives were regarded as pure and honourable, on account of the unceasing vehemence with which he had before urged the impeachment.

Then followed that great last speech of the Earl himself before the Lords, the peroration of which has been so often and so deservedly celebrated as one of the finest specimens of pathetick eloquence in our language. It is so generally known, that the transcribing of it here would hardly be justified. And, indeed, so beautiful are several of the passages which precede it, that it would be difficult to determine where the quotation ought to commence. No reader, who is not familiar with the conclusion of that speech, will repent the having searched for it in the report of the tryal; and if, in the course of that search, he

should be led to read through the whole of that memorable defence, he will be well repaid for the time which it will have cost him.

We have already remarked how necessary it is for any man who would do fair justice to the leaders in this prosecution, to keep his mind free to judge between the two modes of proceeding adopted during its course. Of this we shall presently adduce a remarkable proof. Those writers who discuss this matter in a mere spirit of political controversy, and who would therefore include that whole party and that whole prosecution in one undistinguishing measure of either approbation or blame, have endeavoured to veil the great barrier of principle which separates the trial upon the impeachment from the ex post facto law of pains and penalties. This course has been lately taken in an eminent critical work, in its observations on Mr. Hallam's history*. The Impeachment and Bill of Attainder are there treated of but as parts of one great measure, and then pronounced upon together as being an 'extra legal

* Quarterly Review, No. lxxiii. Article 7.

murder.' They are said to have originated in the failure of the proposal for giving office to some of the leaders of that party who 'wanted places and power, and, being dis-'appointed in their expectations, determined 'upon shedding the blood of the man with 'whom, if they had been taken into office, 'they were willing to have coalesced.' This imputation must have been made without due inquiry into the history of that transaction. None of those persons who were named for office appear to have been privy to any compromise in favour of Lord Strafford, except the Earl of Bedford*, with whom the negociation originated, by whom it was secretly conducted, and by whose death it was abruptly closed. There is, consequently, no reason for imputing to them a folly so gross as the having been willing to coalesce with one who would not have lost much time after such a coalition in effectually working their ruin, and that of their cause. Besides, the impeachment had preceded that negociation;

* Perhaps also the Marquis of Hamilton, who, according to Clarendon, early engaged with Bedford in recommending the project of popularizing the King's government by the introduction of some of the leaders of the country party.

and, consequently, the remarks of this writer upon those who, 'being disappointed in their 'expectations, were thereby determined upon 'shedding blood,' must be strictly limited to the promoters of the bill of pains and penalties, among whom he strangely classes Hampden with the Earl of Bedford, who was working to defeat it, and died before it reached the Upper House*, and with Lord Say, who counselled, spoke, and voted against it†. 'This fact alone,' concludes the passage in question, 'might suffice to reclaim an inge- 'nuous mind from the worship of Pym and 'Hampden.' It is pleasing to a mind which would contemplate with unqualified admiration the high and blameless character of Hampden to be able, without disingenuousness, to satisfy itself that the premises on which this censure rests are likewise destitute of foundation. Throughout the progress of the attainder, the memory of Hampden is not stained by any appearance of his having been concerned in it. That he was a manager of the impeachment, and an active one, we have

* Clarendon, Hist. Reb.

† Collection of Speeches, published 1648.—Parl. Hist.

seen. The remarkable fact, therefore, of his name not appearing in any of the proceedings on the Bill, whether it afford a more or less strong presumption of his having disapproved of that course, is at least a sufficient answer to an accusation which ought not to have been made unless accompanied by direct affirmative proof.

But the case does not stop here. Hampden's steady abstinence from any participation in the act of attainder, and in the proceedings which led to it, is not inferred from such circumstances only as might have been accidental or undesigned. From the opening of the charges to the last free conference 'touching the matter of law in the case of 'the tryal,' (the heads of which he was appointed, together with Pym, Pierrepoint, Colepepper, and others, to prepare,) in almost every step of the impeachment he is conspicuous.* To 'the further proceedings' he is no party, although they are at different times countenanced by all his colleagues in the Lower House except Digby and Selden. This is the more fit to be observed on account of

* See Commons' Journals, January 4, April 15, 16, 22, 23, and 24, 1640-1, et passim.

the unfavourable contrast in which it is sometimes attempted to place the conduct of Hampden with that of Falkland and of Hyde. Now, Hyde at best did no more to mark his disapproval of the Bill than Hampden did. On the contrary, on the 24th of April, when Glyn and Hill were appointed to manage a conference 'for the expediting of the bill of 'attainder,' Hyde went up with a message 'to acquaint their Lordships that the House 'hath received information that the Earl may 'have a design to escape, &c. &c., and there-'fore to desire their Lordships that he may be 'close prisoner, and the guard strengthened*.'

Falkland, it appears clearly from Sir Ralph Verney's notes, on the 15th of April, spoke in answer to Digby and in favour of the bill; Hampden never†. And, on the 16th, while

* Clarendon, with remarkable disingenuousness, passes over, in his History, the whole of his own conduct on the prosecution of Strafford, and particularly the fact of his having taken up this message, which arose out of the apprehension entertained by the House of the project of 'bringing up the army,' afterwards strangely called by him 'the pretended plot.' In his account of the progress of the Bill against Episcopacy, he states that, until then, Falkland and he had never differed in a vote. This, if taken strictly, is an admission that he (Hyde) had voted for Strafford's attainder; for Falkland unquestionably did.

† Sir Ralph Verney's MS. notes, in the possession of Sir Harry Verney.

Hampden was on one committee to prepare heads for a conference 'concerning their Lord-'ships' resolution to hear counsel in matter of 'law, and to desire that their Lordships would 'use all expedition to give an end to this tryal 'as much as in justice may be,' Falkland was on another which was appointed to prepare heads for a conference 'concerning the *further* 'proceedings,' on the report of which commit tee it was that the bill was passed*.

In debate, Hampden never alluded to the proceeding by bill but once. On the 16th of April, when it was discussed, pending the attainder, whether the Commons should continue to hear the Earl's counsel at the bar of the Lords, or proceed with the Bill, St. John, having said that 'being possessed of a bill, 'they had made themselves judges, and being 'so, it were a dishonour to hear counsel any 'where but at their own bar;' and Colepepper having said 'if we reply to Lord Strafford's 'counsel before the Lords, we prejudice our 'cause in taking away the power of declaring 'treason,' Hampden, according to Sir Ralph Verney's notes, in opposition to his fellow

* Commons' Journals.

managers, urged that they should proceed, not by bill, but by trial at the Lords' bar. 'The bill now depending doth not tie us to 'goe by bill. Our counsel hath been heard. 'Ergo, in justice we must heare his. Noe 'more prejudice to goe to heare matter of law, 'than to heare counsel to matter of fact*.'

I may have been too prolix in these details. But I have undertaken these memorials with a desire to do justice; and the injustice of general imputations, made without foundation of authority, cannot be met but by reference to particulars.

Then why, it may be asked, if Hampden disapproved of the bill, did he not take the part of actively opposing it? and why do we not find his name in the list of Straffordians? First, it might, in reply, be asked, why do we not find Edward Hyde's? It is not necessary to rest anything on the fact of several of the strongest opposers of that bill not having voted in that minority of fifty-six members afterwards called the Straffordians. Let it be admitted that it is most improbable indeed that

* Sir Ralph Verney's Notes. Glyn supports Pym's argument against hearing Strafford's counsel as to the point of law. Sir Benjamin Rudyard agrees with Hampden.

Hampden took any further part against the bill. I am decidedly of opinion that he did not. I only mention this fact as a singular one; I know not why it was so; that some of the boldest and most active opponents of the attainder are not to be found in that list. Heath says that 'at the time of passing the 'Bill of Attainder in the House of Commons, 'Sir Bevill Grenvil and Sir Alexander Carew 'sitting together, they both serving for the 'same county of Cornwall, Sir Bevill bespoke 'Sir Alexander in such like words:—"Pray, 'Sir, let it not be said that any member of 'our county should have a hand in this 'ominous business, and, therefore, pray give 'your vote against this bill." To whom the 'other instantly replied, "If I were sure to 'be the next man that should suffer upon the 'same scaffold with the same ax, I would 'give my consent to the passing of it*."' And yet, plain as it is that Sir Bevill very thoroughly opposed the bill, he does not appear among the Straffordians.

But why then, it is again asked, if Hampden disapproved of the precedent of a bill of attainder, did he not make head against it as

* Brief Chronicle.

manfully as he had before supported the impeachment? Plainly, because in a case doubtful to him only as matter of precedent, but clear to him in respect of the guilt of the accused person, in a case in which the accused person, in his estimation, deserved death, and in which all law but that of the sceptre and the sword was at an end if he had escaped it, when all the ordinary protection of law to the subject throughout the country was suspended, and suspended mainly by the counsels of Strafford himself, Hampden was not prepared to heroically immolate the liberties of England in order to save the life of him who would have destroyed them. Hampden probably considered the bill which took away Strafford's life (and indeed it must in fairness be so considered) as a revolutionary act undertaken for the defence of the Commonwealth. That in his conscience he believed it to be an act of substantial injustice to the person arraigned, no man has any right to conclude. I moreover aver that there is not more ground for imputing a participation in that measure to him than to Lord Clarendon, and not near so much as to Lord Falkland.

The conduct of Hampden in this matter has

been unjustly dealt with. It has been (designedly, as it appears) confounded with that of others, by Lord Clarendon, by the Commonwealth writers, and by the inflamed Tory writers of modern times. Lord Clarendon never did justice to any opponent, and there were many feelings which specially interfered with his doing justice to Hampden. The Commonwealth writers are, of course, partial to Hampden's memory; but they are generally defenders also of the proceedings against Strafford, and would not willingly disconnect a name which they revered from a measure which they approved. And the modern Tory writers are well content to assume, without any authority for it, that Hampden's reputation is involved in a measure which they represent as an 'extra legal murder,' blackening every reputation which can be connected with it.

But, in whatever light the conduct of the Managers is to be viewed, upon that of the King there can be but one judgement formed by any man who respects the clear boundaries which divide the most obvious duty from the most unmitigated injustice and perfidy. It may be said to have been an unnecessary

severity in the Parliament to adopt a course by which it was proposed to him to become a party to the destruction of his favourite, for acts, many of which he had enjoined, and to all of which he had consented. But nothing can palliate the falsehood and cruelty of Charles, who, rather than have sent Lord Strafford to his fate, ought to have prepared to meet any result, even that, if need had been, of sharing it. The merely sacrificing his Minister for acts to which he had been himself a party was an infamous baseness; the sacrificing him after a letter of assurance that not a hair of his head should suffer, but that he (the King) would risk all and suffer all, first, was shameful treachery. The postscript to his letter to the Lords, pleading for Strafford at the beginning, and at the end delivering him up to death with an 'if he 'must die, 'twere charity to reprieve him till 'Saturday,' was unfeeling and cruel. But more base, more treacherous, and more cruel still, was the permitting St. John, in consequence of a half-executed design for conciliating the country party, to continue to lead the prosecution and bring up the bill as Solicitor-General to the King. Who, seeing this,

can believe the King to have been at any time in conscience irreconcileable to the project of destroying Strafford? who, seeing this, but would admit that it gave continuance to the declared purpose of the Commons, and encouragement to them to proceed? Though Strafford knew his master's duplicity, still, when he wrote to him his famous letter urging him to pass the bill, he seems to have thoroughly expected that he would resist*. This was shown by his exclamation of surprize and grief and reproach, when he was told that the King had given way †.

* The spirit of this letter, so highly praised, was not original. The same sort of petition had been made to the King a short time before by Goodman the Jesuit, 'rather to remit your prisoner to 'their mercy that are discontented, than let him live the subject of 'so great discontent in your people against your Majesty.' Goodman was spared by the Parliament; and could Strafford, in his own case, have reckoned that the King would have been the more inclined to destroy him in consequence of a letter in which he had the gallantry to urge such a sacrifice?

† Charles, we are told by Hume, probably flattered himself that, as his hand was not actually engaged in giving the royal assent to the Bill, 'he was the more free from all the guilt that attended it.' This was too weak a piece of sophistry even for Charles. But Hume is wrong in his fact. Whatever guilt was incurred by the process of 'putting his hand' to the instrument might have been avoided by his giving the royal assent in person. The original commission, however, is now in the Journal Office of the Lords, signed Charles R., and dated May 19th; directed to the Lord Privy Seal, the Lord Chamberlain, and the Lord Steward, for giving the royal assent to the Bill.

Next in guilt to the conduct of Charles was that of Williams and the other Bishops, with whom was performed the mockery of a consultation on a point of plain and absolute duty. From this hypocrisy Juxon alone was free. To his honour be it remembered that, scorning the sophistry of divided conscience, he told the King that he was bound before God and man to refuse his assent.

Thus fell Lord Strafford; in the circumstances of his death giving to his enemies no advantage over his character. It is truly said of him in the 'Eikon,' 'I looked upon him 'as a gentleman whose abilities might well 'make a Prince rather afraid than ashamed 'in the greatest affairs of State.'

APPENDIX.

A.

[See page 100.]

WHEREAS his Matie. as well for his brotherly respect and correspondencie w^h. the Ffrench King, as for other reasons to him knowne, hath been pleased at y^e. motion of his Ambassado^re. to fitt out for his service ye Vantguarde (a principall shipp of his owne Navy royall) ande further to permitt an agreement to bee made wth. you the Captaines, Masters, and owners of the goode Shipps called the Neptune, the Industrie, the Perle, the Marygold, the Loyaltie, the Guift, the Peter and John, for the like employm^t. in the said King's Service upon such Articles as are interchangeably sealed betwixt the saide Ambassado^re. and y^e. Comissioners for the Navy on his Ma^ts. behalf, ande yo^u (the saide Masters & Owners, for yo^rselves. And his Ma^ts. pleasure hath been sufficiently signified for the putting in readines of all the saide Shippes, wch. hee doubts not is accordingly performed, the occasion of the saide Kings Service requiring all convenient expedicion. Theis are therefore to will and require yo^u. and every of yo^u. forthw^th. to call the Companies

aboarde wch. have been raised and fitted to every Shipp, *according to former instructions* in that behalf, And then to take the first opportunitie of winde ande weather to proceede in yor voyage to such a Porte in the Dominions of Ffraunce as the Ambassado^re^ shall direct and there to attende the further directions y^t^. such principall person as shall bee appoynted Admirall of the ffleete prepared for the service of the saide ffrench King, Requiring further all Viceadmiralls and Officers of the Admiraltie, Captaines of Castells and fforts, Captaines, Masters and owners of Shippes, Mair^s^. Sheriffes, Justices of the Peace, Bayliffes, Constables, and all other his Ma^ts^. Officers, Minis^rs^. & lovving Subjects & every of them to giue yo^u^. all assistaunce and furtheraunce, not to hinder or interrupt yo^u^. or any of yor. Shippes or Company in the due performaunce of the Service aforsaid as they will answere the contrary at their perills. ffrom Whitehall 8 May 1625.

(Signed)

BUCKINGHAM.

To my very loving friends Captaynes Pennington, Cap^n^. of his Ma^ts^. Shipp the Vantguarde, & to y^e^. Captaines & Masters of ye seven Shipps apointed for the Services of the ffrench King, & to every of them, and to all others whome it maie concerne.

His Majestie's express pleasure is that yo^{u} take knowledge that hee hath left the comaund of his Shipps under your chardge unto his deare brother the most Christian Kinge, and that therefore yo^{u} receive into these Shipps so many persons as that Kinge shall bee pleased to put into them: and to be continued there dureing ye tyme of the contract: and this yo^{u} are to obey intirely with the greatest moderation & discretion yo^{u} can: this beinge that I have in chardge from his Majestie, I recomend it to yo^{u} as you^{r} warrant & remayne

Your assured frend to

Serve you,

Edward Conway.

Hampton Courte,
Julie the 10th 1625.

Aboard the good Shipp the Neptune this 28th July 1625. stilo anglie.

I am sent hither by my Lord and Maister the Duke of Buckingham (Lord High Admirall of England) to see the execution & performaunce of his Ma$^{ties.}$ pleasure (signified by letters from my Lord Conway). And doe crave answer in wrighting under your hands whether you will (according to my Lord Conwaie's L$^{rs.}$ & uppon the caution and securitie w$^{ch.}$ was agreed one & paraffited at Rochester by the three Lords Ambassado$^{rs.}$ off France &

by them delivered to my Lord who remitted it to mee as the securitie I was to take) deliver over your Shipps to bee disposed off by the Most Xian Matie. or noe, & if you will perfourme this I will procure you a suficient discharge to your contentment.

Signed EDW. NICHOLAS.

CAROLUS REX.

PENNINGTON these are to charge and command you immediatly upon sight hereof that without all difficulty & delay you put our former commandment in execution for ye consigning of your Ship under your chardge called the Vantgard into the hande of the Marquis D'effiiatt with all her equipage artillery & munition assuring the officers of the saide Ship whome it may concerne y^t we will provide for their indemnity & we farther chardge & command you that you also require the seaven Marchants Ships in our name to put themselves into the Service of our deare Brother the French King according to the promise we have made unto him & in case of backwardnesse or refusall we commande you to use all possible meanes in yor power to compell them thereunto even unto their sinking & in these severall charges see you

faile not as you will answer to the contrary at the uttermost perill & this shal be your sufficient Warrant. Given at our Court at Richmond the 28th of July. 1625.

To our trusty and wellbeloved Jno. Pennington, Capt. of our Ship called the Vantgard.

B.

[See page 112.]

At Whitehall, March, 1627.

PRESENT THE KING'S MAJESTY.

Lord Treasurer	Lord Viscount Conway.
Lord President.	Lord Bp of Durham.
Lord Admiral.	Lord Bp of Bath and Wells.
Lord Steward.	Mr. Treasurer.
Lord Chamberlain.	Mr. Comptroller.
Earl of Suffolk.	Master of the Wards.
Earl of Dorset.	Mr. Secretary Cook.
Earl of Salisbury.	Mr. Chancellor of the Exchequer.
Earl of Morton.	Mr. Chancellor of the Dutchy.

It is this day ordered by his Majesty, being present in Council, That the several persons hereunder written shall, from henceforth, be discharged and set at liberty from any restraint heretofore put upon them by his Majesty's commandment. And hereof all sherriffs and officers are to take notice.

Sir John Strangeways.	Knights.	William Anderson.	Esquires.
Sir Thomas Grantham.		Terringham Norwood.	
Sir William Armyn.		John Trigonwell.	
Sir William Massam.		Thomas Godfrey.	
Sir William Willmore.		Richard Knightley.	
Sir Erasmus Drailton.		Thomas Nicholas.	
Sir Edward Aiscough.		John Hampden.	
Sir Nath. Bernardiston.		George Ratcliffe.	
Sir Robert Pointz.		John Dalton.	
Sir Beauchamp St. John.		Henry Poole.	
Sir Oliver Luke.		Nathaniel Coxwell.	
Sir Maurice Berkeley.		Robert Hatley.	
Sir Thomas Wentworth.		Thomas Elmes.	
Sir John Wray.			
Sir William Constable.		Thomas Wood.	Gents.
Sir John Hotham.		John Wilkinson.	
Sir John Pickering.		William Allen.	
Sir Francis Barrington.		Thomas Holyhead.	
Sir William Chancey.			

All these remained confined to several countics.

Sir Walter Earl.	Knights.	Sir John Corbet.	Knights.
Sir Thomas Darnel.		Sir John Eliot.	
Sir Harbottle Grimston.		William Coriton.	Esquires.
		George Catesby.	
Edward Hooker.	Londoners.	John Stevens.	Londoners.
George Bassett.		Thomas Deacon.	
James Wooldrond.		John Potter.	
Henry Sanders.			
All Prisoners in the Fleet.		*In the Gatehouse.*	

Sir John Heveningham, Knight.

Samuel Vassal.	Londoners.	William Savage.	
William Angel.		Nathaniel Mansty.	
In the Marshalsey.		*In the New Prison.*	

Robert Lever.	Londoners.	Ambrose Aylot.
John Peacock.		Thomas Sharp.
Edward Ridge.		Thomas Hotham.
John Oclabury.		Augustine Brabrooke.
Andrew Stone.		Robert Payne.
William Spurstow.		Edward Talstone.
Roger Hughes.		John Whiting.
John Pope.		Thomas Webb.
James Bunch.		John Ferry.
Thomas Garris.		
James Waldron.		
John Bennet.		

All in the custody of a Messenger.*

* See Rushworth, i., 472.

C.

[See page 220.]

Distribution of Shipps to the several Shires of England and Wales, with their Tonnage, Number of Men, and charge, and the summs sett on the Corporation Townes in each County.—From Sir Peter Temple's MS. Papers—Stowe.

	Tons	Men	£.	s.	d.
Berkshire—One Shipp of	320	128	4000	0	0
Towne of Windsor			100	0	0
Burrough of Newberry			100	0	0
Burrough of Reading			220	0	0
Burrough of Abingdon			100	0	0
Burrough or Towne, Wallingford			020	0	0
Buckinghams.—One Shipp of	360	144	4500	0	0
Burrough and Parish of Buckingham			70	0	0
Burrough of Chipping Wicombe			50	0	0
Bedfordshire—One Shipp of	240	096	3000	0	0
Towne of Bedford			120	0	0
Bristol—One Shipp of	064	026	0800	0	0
Cornwall—One Shipp of	440	176	5500	0	0
Burrough of Saltash			40	0	0
Burrough of Portbiham als. Westlowe			13	0	0
Burrough of Eastlowe			30	0	0
Burrough of Truroe			70	0	0
Burrough of Penryn			48	0	0
Towne of Penzance			28	0	0
Burrough of Padstowe			70	0	0
Burrough of Liskird			40	0	0
Burrough of Leastwithell			20	0	0
Burrough of Cullington als. Kellington			20	0	0

	Tons	Men	£.	s.	d.
Burrough of Tregonney			33	0	0
Burrough of Granporte and Creede			29	0	0
Burrough of Dunnevid als. Launceston			80	0	0
Towne of Helstone			40	0	0
Burrough of Bossenna			36	0	0
Burrough of St. Mawes			10	0	0
Burrough of Camelford			10	0	0
CAMBRIDGSH.—One Shipp of	280	112	3500	0	0
Burrough of Cambridg			100	0	0
CUMBERLAND and WESTMORELAND: One Shipp of	112	045	3500	0	0
Burrough of Kirkby Kendal			15	0	0
Burrough of Apulby			05	0	0
CHESHIRE—One Shipp of	240	096	3000	0	0
Citty of Chester			260	0	0
DEVONSHIRE—One Shipp of	720	288	9000	0	0
Citty and County of Exeter			350	0	0
Burrough of Clifton Dartmouth als. Hardness			80	0	0
Burrough of Totnes			120	0	0
Burrough of Plimpton			35	0	0
Burrough of Plimouth			190	0	0
Towne and Parish of Tiverton			130	0	0
Burrough of Bideford			40	0	0
Burrough and Parish of Barnstaple			150	0	0
Burrough of Torrington			60	0	0
Burrough and Towne of Oakehampton			30	0	0
Burrough of Bradminton			50	0	0
Burrough of South Moulton			45	0	0
DERBYSHIRE—One Shipp of	280	112	3500	0	0
Burrough of Darby			175	0	0
Burrough of Chesterfield			50	0	0
DORSETSHIRE—One Shipp of	400	160	3000	0	0
Towne and County of Poole			30	0	0
Burrough of Dorchester			45	0	0
Burrough of Wareham			25	0	0
Towne of Weymouth and Melcombe Regis			40	0	0

	Tons	Men	£.	s.	d.
Burrough of Brideport, cum Membris			20	0	0
Burrough of Corffe			40	0	0
Burrough of Shaftesbury			35	0	0
Burrough of Blandford Forum			25	0	0
DURHAM—One Shipp of	160	064	2000	0	0
Citty of Durham and Framwelgate			150	0	0
ESSEX—One Shipp of	640	256	8000	0	0
Burrough of Thaxted			40	0	0
Towne and Parish of Walden			80	0	0
Towne of Colchester			400	0	0
Burrough of Malden			80	0	0
Burrough of Harwich			20	0	0
GLOUCESTERSH.—One Shipp of	440	176	5500	0	0
Citty of Gloucester and County thereof			300	0	0
Burrough of Tewkesbury			60	0	0
Burrough of Chipping Campden			20	0	0
HAMPSHIRE—One Shipp of	480	192	6000	0	0
Burrough of Portsmouth			060	0	0
Towne of Southampton			195	0	0
Citty of Winchester, besides the Close			150	0	0
Burrough of Andover			50	0	0
Towne of Romsey			30	0	0
Towne of Basingstoake			60	0	0
HERTFORDSH.—One Shipp of	320	128	4000	0	0
Burrough of Hertford			055	0	0
Burrough of St. Albans			122	0	0
Burrough of Barkhamsted			025	0	0
HEREFORDSH.—One Shipp of	280	112	3600	0	0
Citty of Hereford			220	0	0
Burrough or Towne of Leomster			044	0	0
HUNTINGDONSH.—One Shipp of	160	064	2000	0	0
Burrough of Huntingdon			040	0	0
Burrough of Godmanchester			074½	0	0

	Tons	Men	£.	s.	d.
KENT, and CINQUE PORTS in KENT—					
One Shipp of	640	250	8000	0	0
Citty of Canterbury, besides the Church and Members thereof			280	0	0
Towne and Port of Dover, and Members thereof .			330	0	0
Port and Town of Sandwich, and Members thereof, in the County of Kent			250	0	0
Towne and Port of Hithe			040	0	0
Towne and Port of New Romney and Members .			180	0	0
Oswalston and Tenderden			090	0	0
Burrough of Queenborough			010	0	0
Towne and Parish of Maidstone			150	0	0
Towne of Gravesend, together with Milton . . .			035	0	0
Citty of Rochester			070	0	0
LANCASTER—One Shipp of	320	128	4000	0	0
Burrough or Towne of Preston			40	0	0
Towne of Lancaster			30	0	0
Towne of Liverpoole			25	0	0
Burrough of Clidrowe			07	10	0
Towne of Newton			07	10	0
LEICESTERSH.—One Shipp of	360	144	4500	0	0
Burrough of Leicester			200	0	0
LINCOLNSH.—One Shipp of	640	256	8000	0	0
Citty of Lincoln and Liberties			193	6	8
Burrough of Boston			70	0	0
Burrough of Great Grimsby			15	0	0
Towne or Burrough of Stamford			60	0	0
Towne or Burrough of Grantham, with the Soke .			200	0	0
LONDON—Two Shippes of	1120	448	14000	0	0
MIDDLESEX—One Shipp of	400	160	5000	0	0
MONMOUTH—One Shipp of	120	048	1500	0	0
Burrough of Monmouth			40	0	0
Burrough of Newport			23	0	0
NORTH.TONSH.—One Shipp of	480	192	6000	0	0
Towne of Northampton			200	0	0

	Tons	Men	£.	s.	d.
Burrough or Parish of Higham Ferrers . . .			36	0	0
Citty of Peterborough			120	0	0
Burrough of Daventry			50	0	0
Burrough of Brackley			50	0	0
NORTHUMB.—One Shipp of	168	068	2100	0	0
Towne of Newcastle-upon-Tyne			700	0	0
Burrough of Barwicke-upon-Tweede			20	0	0
Towne of Morpeth			20	0	0
NOTTINGHAMS.—One Shipp of	280	112	3500	0	0
Towne of Nottingham			200	0	0
Towne of Newarke-upon-Trent			120	0	0
Towne of East Retford			30	0	0
NORFOLK—One Shipp of	624	233	7800	0	0
Citty of Norwich			400	0	0
Burrough of King's Linne			200	0	0
Burrough of Great Yarmouth			220	0	0
Burrough of Thetford			030	0	0
Burrough of Castle Rising			014	0	0
OXFORDSHIRE—One Shipp of	280	112	3500	0	0
Citty of Oxforde			100	0	0
Towne of Burforde			40	0	0
Burrough and Parish of Banbury			40	0	0
Burrough or Towne of Chipping Norton . . .			30	0	0
Towne of Henley-upon-Thames			60	0	0
Burrough of Woodstocke			20	0	0
RUTLANDSH.—One Shipp of	062	026	800	0	0
SOMERSETSH.—One Shipp of	640	256	8000	0	0
Citty of Bath			70	0	0
Burrough of Bridgewater			70	0	0
Citty or Burrough of Wells			60	0	0
Burrough of Axbridg.			30	0	0
Towne of Yeovill			30	0	0
SURREY—One Shipp of	280	112	3500	0	0
Towne of Guildeforde			53	0	0

	Tons	Men	£.	s.	d.
Burrough of Southwarke			350	0	0
Towne of Kingston-upon-Thames			088	0	0
SUSSEX—One Shipp of	400	160	5000	0	0
Towne and Port of Hastinges, with the Members thereof in Sussex			250	0	0
Citty of Chichester besides the Close			77	7	8
Burrough of Arundel			18	0	0
Burrough of Shoreham			08	0	0
SUFFOLKE—One Shipp of	640	256	8000	0	0
Towne of Ipswiche			240	0	0
Burrough of Oxforde			12	0	0
Burrough of Alborough			08	16	0
Towne of Dunwiche			04	0	0
Towne of Southwolde			08	0	0
Towne of Hadleigh			64	9	4
Towne and Burrough of Eye			30	12	3
Burrough of St. Edmondsbury			206	5	4
Burrough of Sudbury			66	3	4
STAFFORDSH.—One Shipp of	240	096	3000	0	0
Citty of Lichfield, besides the Close			150	0	0
Burrough of Stafforde			30	0	0
Burrough of Newcastle-upon-Tyne			24	0	0
Burrough of Walsall			32	0	0
SHROPSHIRE—One Shipp of	360	144	4500	0	0
Towne of Shrewesbury			376	0	0
Towne of Bridgenorth, als. Bruges			060	0	0
Burrough of Ludlowe			102	0	0
Burrough of Bishopp's Castle			015	10	0
Burrough of Oswestry			037	0	0
Towne Burrough or Liberty of Wenloke			300	0	0
Citty of Carlisle			020	0	0
WARWICKSH.—One Shipp of	320	128	4000	0	0
Citty of Coventrie			266	0	0
Towne of Colefield			080	0	0
Burrough of Stratford-upon-Avon			050	0	0

	Tons	Men	£.	s.	d.
Worcestersh.—One Shipp of	280	112	3500	0	0
Citty of Worcester			233	0	0
Burrough of Evesham			074	0	0
Burrough of Droitwiche			062	0	0
Towne or Burrough of Kidderminster			027	0	0
Wiltshire—One Shipp of	560	224	7000	0	0
Citty of New Sarum, besides the Close			192	0	0
Burrough or Towne of Marleborough			060	0	0
Burrough of Devizes			050	0	0
Burrough of Chippenham			030	0	0
Burrough of Wilton			005	0	0
Yorkshire—Two Shipps of	960	384	12000	0	0
Citty of Yorke, with the Ansty			520	0	0
Burrough of Rippon			040	0	0
Burrough of Doncaster			100	0	0
Burrough or Towne of Pontfract			060	0	0
Burrough of Richmonde			050	0	0
Burrough of Leeds			200	0	0
Towne of Headon			020	0	0
Towne of Beaverly			057	0	0
Towne of Scarrborough			030	0	0
Towne of Kingstone-upon-Hull			140	0	0
North Wales—One Shipp of	320	128	4000	0	0
Anglesey			448	0	0
Burrough of Beaumaris			14	0	0
Caernarvon			575	0	0
Towne and Burrough of Caernarvon			12	0	0
Denbighshire			1122	0	0
Burrough of Denbigh			32	0	0
Towne of Ruthyn			19	4	0
Towne of Holte			10	0	0
Flintshire			575	0	0
Towne of Flint			4	0	0
Montgomeryshire			864	0	0
Burrough of Montgomery			94	6	0
Merioneth			416	0	0

	Tons	Men	£.	s.	d.
South Wales—One Shipp of	400	160	500	0	0
Brecknockshire			933	0	0
Burrough of Brecknock			54	0	0
Cardigan			654	0	0
Towne of Cardigan			10	0	0
Caermarthen			790	0	0
Burrough of Caermarthen			30	0	0
Burrough of Ridwelly			10	0	0
Glamorganshire			1449	0	0
Citty of Llandaffe			13	0	0
Towne of Cardiffe			60	0	0
Pembrokeshire			683	10	0
Burrough of Pembroke			12	0	0
Towne of Haverforde West			34	0	0
Radnorshire			490	10	0
Burrough of New Radnor			42	0	0
Towne of Presteigne			12	8	10

D.

[See page 228.]

After our hearty comendations, whereas his Majestie and this boarde havinge taken into consideration ye shorte time wch now remaineth for ye furnishinge out of ye fleete, beinge a service of g^t^ importance for ye safetie of ye state, and y^t^ ye same may admitt of noe delay. And for y^t^ his Majestie hath now appointed new Sheriffes for ye severall Counties of England and Wales. Wee have therefore thought fitt, (accordinge to his Maties expresse comands,) hereby straightly to charge and require as well you ye Sheriffe of ye Countie for ye yeare past, forthwith to sende up all such monies as you have receaved for ye businesse of Shipp Mony, unto Sr Wm Russell, K^nt^ & Bar^nt^, Treas^r^ of ye Navy, and to give unto y^r^ Successor as memorialls of all ye monies you have levied by vertue of his Maties Writt, and what remayneth behinde of ye whole assessment, and to sende ye like memorialls to this boarde. And also to deliver unto ye new Sheriffe ye writt itselfe, with all such letters, directions, warrants, and returnes, or other writinges as you have in your handes, or authentique copies of the same, touchinge this bussinesse, with an information of your doinges and proceedinges therein, for his better direction

and furtheraunce in ye perfectinge of ye worke. As also you ye s^d^ new Sheriffe to applie your best indeavours and dilligence in ye execution of his Maties writts, and former directions of this Boarde for suche parte of this Service as is nott yett finished by y^r^ predecessors, whereof his Matie and this Boarde will expect a good account from you. And soe wee bid you heartily farewell—from Whytehall, the 25th of January, 1635.

Y^r^ lovinge friends,

W. CANT, H. MANCHESTER,
THO. COVENTRYE, C^s^. DORSETT,
THEO. SUFFOLKE, E. NEWBURGH,
J. BRIDGWATER, FRANC. WINDEBANKE,
WILMOT, WILL. BAKER.

To our lovinge friends Sr Peter Temple, B^t^. late High Sheriffe, and Heneage Proby, Esq., now appointed High Sheriffe of the County of Bucks.

Wee greet yo^u^ well. Whereas there is especiall cause of yor personall attendance upon us for some matters concerning the bussines of the Shipping. These are therefore to will and command you, all delayes and excuses set aparte, to give your attendance upon the Boarde at his Ma^ts^ Court at Oatlands upon Sunday morning

next, the third of July. And hereof wee require yo^{u} not to fayle, as yo^{u} will answere the contrary at yor perill. Dated at the Court at Hampton Court, the 24 of June 1636.

W. CANT. THO. COVENTRYE, C^{s}. GUIL. LONDON.
H. MANCHESTER.
WENTWORTH.
FRA. COTTINGTON.
H. VANE, S. FRANC. WINDEBANKE.
T. EDMONDE.

To Sr Peter Temple.

END OF THE FIRST VOLUME.

W. CLOWES, Stamford Street.

ERRATA.

VOL. I.

PAGE 19, line 10, for 'Sir Arth. Weldon,' read 'Sir Anth. Weldon'.

„ 30, line 10. for 'sort,' read 'sorts'.

„ 256, line 7, between the words 'Presbyterians' and 'were,' insert the words 'at this time'.

„ 258, line 3, for 'had rejected human infallibility,' read 'had rejected all claim of human infallibility'.

VOL. II.

PAGE 171, lines 7 and 8, dele the words 'enlisting themselves, and'.